

The Role of a Lawyer in The Implementation Of Investment And Construction Projects: Legal Coordination And Management Functions

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Abstract: The article examines the role of a lawyer in investment and construction projects, where his functions go beyond traditional legal protection and acquire strategic importance. The key areas of a lawyer's activity are analyzed, including transaction support, legal audit, contractual regulation, as well as risk minimization and conflict resolution. The author concludes that a lawyer is not only an executor, but also a key participant in management processes, capable of increasing efficiency and ensuring the success of a project.

Keywords: Lawyer, investment and construction projects, legal coordination, management, contract law, risks.

Introduction: The scientific novelty of the article lies in a comprehensive examination of the role of a lawyer in investment and construction projects as a coordinator of legal processes and management functions, as well as in proposing systematized measures to overcome legal barriers, taking into account digitalization and modern investment models.

Investment and construction projects are among the most capital-intensive and complex types of economic activity, requiring the coordination of many participants, including investors, customers, contractors, government agencies and financial organizations. The success of such projects directly depends on effective legal support, which ensures the legality of transactions, minimizes risks and helps achieve a balance of interests of all parties.

The role of the lawyer in this process has expanded significantly and goes beyond classical consulting. Today, he acts as a coordinator of legal relations, actively participating in the development of contractual structures, coordinating project documentation and making management decisions regarding risk distribution and resource optimization.

Modern challenges related to the digitalization of the industry (implementation of BIM technologies, electronic contracts, e- Ticketing), the need to ensure cyber protection of data and compliance with environmental and urban planning standards, require

lawyers not only to have deep legal knowledge, but also interdisciplinary competencies. Thus, legal support is becoming an integral element of the management system, on which the efficiency and sustainability of the construction industry depends.

Investment and construction projects are characterized by a high degree of complexity, a large number of participants and a long life cycle. At all stages of implementation, from concept development to commissioning of the facility, a lawyer plays a key role, ensuring legal stability and manageability of the process.

1. Contractual support. The lawyer is responsible for preparing and negotiating contracts that protect the interests of investors, customers and contractors. He pays special attention to the distribution of risks, the inclusion of effective dispute resolution mechanisms and the adaptation of standard contracts to the unique features of each project [1].

2. Legal coordination of participants. Given the complexity of interactions between multiple parties (investors, designers, builders, government agencies), a lawyer acts as a legal coordinator, ensuring the coordination of their actions [2].

3. Management functions. The role of a modern lawyer is not limited to consultations. He actively participates in making management decisions related to the choice of a financing model, assessing legal risks and

developing a strategy for legal support of a project [3].

4. Ensuring compliance with regulatory requirements. The lawyer monitors compliance with environmental, urban planning, antitrust and labor laws. Violations in these areas can lead to delays in project implementation and significant financial losses [4].

5. Digital transformation and new challenges. The introduction of BIM technologies, electronic document management and smart contracts creates new areas of responsibility for a lawyer. He or she must not only master traditional legal instruments, but also understand the specifics of digital processes, especially in terms of data protection and cybersecurity [5].

Table 1 - Main functions of a lawyer in investment and construction projects

Direction of activity	Content	Expected effect
Contractual support	Preparation, adaptation and control of execution of contracts	Minimizing legal risks, reducing the likelihood of litigation
Legal Coordination	Coordination of interests of project participants	Increasing transparency and manageability of processes
Management functions	Participation in strategic planning and risk sharing	Efficient use of resources, protection of investor interests
Regulatory compliance control	Environmental, urban planning and labor standards	Preventing fines, delays and conflicts
Digital support	BIM, smart contracts, cybersecurity	Resilience to digital threats, increased efficiency

Investment and construction projects, being complex and multifaceted, face a number of significant problems in the area of legal support. These problems are aggravated by the high degree of complexity of legal relations, large volumes of documentation and long life cycle of projects.

Key legal challenges:

1. Fragmented regulatory framework. The presence of multiple jurisdictions (federal, state, local) and different standards (GSA P100, 2024) creates legal conflicts and uncertainty for project participants. This complicates compliance and increases transaction costs.
2. Uncertainty of the legal status of digital assets. Despite their widespread adoption, BIM models, electronic logs and signatures do not have a uniform legal status. The lack of mandatory standards (NBIMS-US v4) causes disputes about their legal force and applicability as evidence.
3. Insufficient data protection and cyber threats . The voluntary nature of existing cybersecurity recommendations , such as NIST CSF 2.0 (2024), and their insufficient adaptation to the specifics of the construction industry increase the risks of confidential information leaks and data integrity violations.
4. Difficulties in contractual regulation. New contract formats (EPC, design-build , smart contracts) are not always adapted to traditional legal templates of the AIA (2023). This creates difficulties in the distribution of risks, protection of data rights and liability for defects

that arise in digital models.

5. Problems with the evidence base. Judicial and arbitration bodies are still developing a practice of recognizing digital data (BIM models, electronic journals) as admissible evidence. This process of e-discovery makes it difficult to predict the outcome of disputes [6].
6. Lack of interdisciplinary personnel. To provide effective legal support, a lawyer must have not only deep legal knowledge, but also an understanding of technical (BIM, CDE) and financial aspects. This combination of skills is extremely rare [7].
7. Regulatory risks. Failure to comply with environmental and urban planning legislation can lead to significant project delays and financial penalties. Legal control in this area is often fragmented, making full due diligence difficult. diligence .
8. Problems with securing obligations. Inadequate wording in the mechanisms of guarantees (bonds), rights to collateral (lien rights) and retentions may impair the ability of investors and creditors to protect their interests.

Problems of legal support of investment and construction projects in the USA appear at different stages: from planning to operation of facilities. They concern both internal coordination of participants and external factors, including government regulation, judicial practice and digitalization . To systematize the most significant barriers, it is advisable to highlight their causes and possible consequences for the implementation of projects. This allows us to clearly

show which legal risks require priority attention from lawyers and managers.

Table 2 - Main legal barriers to investment and construction projects in the USA

Problem	Reasons	Consequences
Inconsistency of contracts	Different contract standards, lack of unification of BIM conditions	Increased number of disputes, project delays
Disadvantages of digital regulation (BIM, e-Ticketing)	Lagging regulatory framework	Legal uncertainty, rising cyber risks
Difficulties in land-legal relations	Multiple permitting procedures, different state requirements	Increased cost and delays in construction
Cyber threats and data protection	Lack of integration of NIST standards across industries	Data leak, process blocking
Litigation and Arbitration	High costs and lengthy processes	Decrease in investment attractiveness

The identified legal barriers in the US investment and construction sector require the development of systemic solutions aimed at increasing transparency, speeding up procedures and reducing legal risks. The most important role here belongs to lawyers, who must not only support the process of concluding and

executing contracts, but also offer mechanisms for adapting legal regulation to digital technologies and modern investment models. To this end, it seems appropriate to systematize possible legal measures that can minimize risks and increase the efficiency of project implementation.

Table 3 - Legal instruments for overcoming legal barriers in investment and construction projects in the USA

Problem	Possible legal responses
Inconsistency of contracts	Development of unified BIM contracts, implementation of standard AIA contracts
The shortcomings of digital regulation	Updating legislation to take into account BIM, e-Ticketing and digital signatures
Difficulties in land-legal relations	Simplification of permitting procedures, introduction of uniform standards at the federal level
Cyber threats and data protection	Cybersecurity Standards Mandatory Framework for the construction industry
Litigation and Arbitration	Development of alternative dispute resolution (ADR), creation of specialized arbitration centers

The role of a lawyer in the investment and construction sector is undergoing significant changes, transforming from «reactive support» to strategic risk management. This shift is due to the increasing complexity of projects and technological progress.

Key areas of transformation:

1. Strategic risk management. Lawyers are increasingly involved in strategic decision-making aimed at preventing potential legal risks, not just eliminating them after they arise.
2. Strengthening role in digital transformation. With the introduction of electronic transactions, smart contracts and technologies requiring enhanced data protection, the role of the lawyer becomes critical. He needs to ensure the legal validity of digital assets and compliance with legal norms in cyberspace.

3. Formation of new competencies. Successful work requires a lawyer to expand his knowledge in the field of financial and environmental law, since these aspects directly affect the success and sustainability of construction projects.

4. Integration into interdisciplinary teams. The lawyer becomes a key coordinator, integrated into working groups, where he participates in project management on an equal basis with engineers and managers, ensuring the consistency of legal and management decisions.

Consequently, in the context of the increasingly complex legal environment and active digitalization of the construction industry, the role of a lawyer in the investment and construction sphere goes beyond the classical human rights function. He becomes a full participant in project management, performing tasks

on legal coordination, contractual regulation, risk reduction and strategic consulting. The effectiveness of project implementation is largely determined by the quality of legal support, which must adapt to new challenges, ensuring the sustainability and reliability of the project at all stages.

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