



Benjamin B. Hyden

Partner



Ben Hyden, a civil engineering graduate, worked with major construction firms before entering law school and brings that experience to his law practice. His practice focuses on representing public works clients, such as K-12 school districts, sewer districts, higher education institutions, municipalities, townships, public housing authorities, and counties; drafting contract documents; responding to bid disputes; addressing construction defects; and pursuing claims that arise from construction projects. Ben also represents businesses and political subdivisions in complex zoning, land use and land development issues and appears before planning, development and zoning commissions in zoning, variance and related public service matters.

Examples of matters in which Ben has assisted clients include serving as construction counsel on a municipal wastewater treatment plant; litigation/mediation counsel for a municipal water treatment facility; bid dispute litigation and contract revisions for an urban sewer district; litigation/mediation counsel for a university medical building in a claim against an architect/engineer for defective design; litigation/mediation counsel for an urban school district on several of its buildings related to either defective construction, design or both; litigation/mediation counsel for township fire station projects; and litigation/mediation counsel for public housing authority on projects related to construction delays and defective work issues.

CONTACT INFORMATION

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INDUSTRIES & PRACTICES

Construction
Public Sector
Litigation

Bar Admissions & Activities

- Member, Cincinnati Bar Association; Kentucky Bar Association; Northern Kentucky Bar Association
- Admitted, State of Ohio; Commonwealth of Kentucky

Education

- Salmon P. Chase College of Law (J.D., *cum laude*, 2008)
- University of Kentucky (B.S., civil engineering, 2000)

Presentations & Published Works

- Speaker, "How to Address Defects After Construction," Webinar Nov. 24, 2020
- Speaker, "Construction Defects - Discovery, Investigation, and Resolution Best Practices," COAA Fall Owners Leadership Conference, Nov. 13-15, 2019
- Speaker, Selecting Project Delivery Methods & Bidding Public Construction Contracts Seminars



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- Speaker, Top Gun Construction Claims Seminars
- Speaker, "Electrical Construction Legal Issues," Seminar, The Adequate Wiring Committee of The Miami Valley, January 2015
- Speaker, "Comparison of Single Prime, CMAR and Design-Build Delivery Models," Bricker & Eckler LLP Educational Lunch Program, July 2013

Experience

Correction of roof issues

Served as construction counsel to a school district to help identify cause and source of roof leak. After the cause and source of the roof leaks were identified, we assisted the district in determining its plan to correct the defect and recover its cost from the responsible contractor.

Waiver of competitive bidding

Prepared resolutions and contract documents for projects deemed to be of urgent necessity, including air quality improvement, elevator repair, HVAC, and fire alarm projects for libraries and K-12 school districts.

School district board resolutions and contracts

Prepared school board resolutions and contracts related to bleacher and track renovation projects.

School district joint purchasing

Facilitated and prepared a school district's contract for roof replacement, procured through a joint purchasing program.

Defective work

Represented a school district client to address defective work.

Water infiltration issues

Retained by a city to help identify the cause of the water infiltration issues over the natatorium area of its recreation center. Destructive testing was scheduled, and based upon the forensic report prepared by a consultant, it was determined that sections of the roof needed to be replaced. We prepared contract documents and assisted the city with the bid process for a contractor to perform the remedial work and are working with the city to schedule mediation with the design professional and original contractors.



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Correction of masonry issues

Served as construction counsel to a school district for its new K-12 school building, constructed through the Ohio School Facilities Commission's Classroom Facilities Assistance Program. Masonry issues were identified in the completed building, and we assisted the district in determining its cause and developing a plan to correct the defect.