Design Professionals Roundtable Recap: Contracts 201: From Provisions to Practice—Advanced Contracting for Design Professionals

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On August 5, 2026, MG+M The Law Firm hosted the latest installment of its Design Professionals Roundtable series, "Contracts 201: From Provisions to Practice—Advanced Contract Strategies for Design Professionals."

Led by MG+M Partners Kelly Martin Malone, Scott Winikow, and Steve Willig, the session built on the foundational concepts introduced in the firm's earlier Contracts 101 program, diving deeper into the complex contract issues design professionals face in practice.

Key Takeaways

- **Indemnity**—Push for negligence-based indemnity only (not “any claim”), avoid day-one defense obligations, and flow indemnity down to sub-consultants.
- **Limitations of liability**—Cap exposure by time, dollar amount (aggregate, not per-claim), and scope (only what you control)—these terms only bind contracting parties.
- **Insurance**—Broad indemnity or heightened standard-of-care clauses can push you outside coverage; E&O policies don't cover contractual liability or liquidated damages, and defense costs erode limits.
- **Consequential damages**—Get a mutual waiver (lost profits, reputational harm, etc.) since these claims are more often made against design professionals than by them.
- **Liquidated damages**—Try to delete entirely; if unavoidable, tie them strictly to your own breach and cap them within your liability limit.
- **Waiver of subrogation**—Include it and flow it down to sub-consultants; it prevents insurer-vs-insurer lawsuits and doesn't affect your premiums.
- **Termination/suspension**—If possible, try to negotiate termination for convenience provisions over “for cause,” and negotiate payment for work performed, and licensing terms on upon termination.
- **Ownership of instruments of service**—Keep ownership of your drawings; grant a payment-contingent license instead of transferring rights outright.

MG+M's Design Professionals team closely monitors the legal developments shaping claims against architects and engineers nationwide and advises clients on practical, defensible strategies to manage risk and exposure throughout the lifecycle of a project.

Remaining 2026 Schedule

MG+M's 2026 Design Professionals Roundtable series continues throughout the year with one additional program.

- September 30 | 2:30 p.m. ET – Alternative Delivery Methods

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