

Preface to the 2026 Edition

Schedule delay, disruption, and acceleration bridge many divides in construction disputes, affecting proof of liability and damages and requiring both legal and technical acumen to apply correctly and consistently. As a result, the field represents one of the more complicated subsets of construction law that uniquely blends legal and technical skills. This book endeavors to examine the major issues that arise in this field and distill a qualitative and quantitative analysis of relevant legal authorities into a single volume resource.

For the 2026 edition, new delay, disruption, and damage cases were added reflecting legal decisions added in the last year, along with additional cases referencing constructive acceleration, waiver of the completion date, ASCE 67, and exclusion of a delay expert for failing to meet FRE 702/*Daubert*.

For the schedule delay analysis method section, we reviewed and included 11 new case references to specific methods from the United States, United Kingdom, Australia, and Canada. These citations include the following methods:

- adjusted time impact analysis
- windows
- prospective time impact analysis
- as-built critical path
- impacted as-planned
- as-planned versus as-built

For disruption, we added three new citations to specific methods from Australia and Canada, including the following methods:

- measured mile
- modified total cost
- visual observation/judgment

The addition of the new delay and disruption cases brings the analysis totals to 337 delay analysis method case references and 354 disruption method case references, for a total of 691 cases covered in the book material referencing specific methods for proving delay or disruption. All of the charts, analysis, and statistics have been updated to reflect the added cases.

We hope you enjoy the 2026 additions.

W. Stephen Dale

CONSTRUCTION SCHEDULE DELAYS

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