

## Daily reports can make or break your next claim



Peter D. Welin, John Gambill | Friday, August 7, 2020

Have you ever settled a dispute for less than you deserved because you didn't have the backup to substantiate your claim? It happens all the time and it never leaves you feeling good when you know that you left money on the table because the records didn't show what you knew to be true. As the saying goes, "it's not what you know; it's what you can prove." One tool you can (and should) use to document your work during the course of a project is a standard daily report form. But, having the form is not enough. You must actually use it, and there are some simple tips you can follow to make your daily reports another weapon on your next claim.

Detailed and accurate daily reports provide valuable insight to the issues that arose during the course of a construction project. The dailies are one of the first things we look for when evaluating issues and events that occurred on the project. They truly tell the story of how the project progressed, and good daily reports can make or break a case—or, more importantly, help you avoid a lawsuit entirely. But, the daily reports are only as good as the information contained within them. Here are ten tips for getting the most out of your daily reports and positioning yourself to be successful on your next claim:

1. **Require Daily Reports For Your Projects.** Make this a standard practice and require that they be *fully* completed. It is easy to get in the practice of skimping on the information provided in the daily reports. Don't slack on the information. It only takes a few minutes to fill these out and your memory of each issue on the project will never be as good as it was on the day you are filling out the reports. So document thoroughly and then file it away for when you need it.
2. **Include Relevant Date, Time, AAnd Weather Information.** This information is often important when dealing with delays, particularly when delays relate back to early site work packages or outside work.
3. **List Employees By Name** (at a minimum, list the number and types of employees).
4. **List Equipment By Model Number** (used that day and any that is idled).

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5. **List Subcontractors And Their Equipment.** You need to be able to know who was on site and who was not on site on a given day so that there is no dispute down the road as to whether you or your subcontractor were on site and performing work.
6. **List Materials Delivered To Site That Day.** Again, this is an easy one to skimp on but it can play an important role when determining when certain portions of work were completed or evaluating delays.
7. **Briefly Describe The Work Performed That Day.**
8. **Briefly Describe Issues That Impacted The Work** (e.g. “Excessive rain shut project down at 8am. No work today.”; or “Owner directed stoppage of work between 11am to the end of the day.”; “ABC Supplier did not deliver tile to site on time; tile subcontractor cannot perform work.”)..
9. **Identify The Maker Of The Report.** Sign and print the name of the person who prepared the report. Make it legible so it is clear who the person was that was supplying the information.
10. **Organize And Store The Reports In The Project File.** Maintain Them Appropriately. Store them somewhere where you can retrieve them when necessary.

Filling out the forms is important, but keeping them in a centralized location that is readily accessible when you need them is a close second. Ideally, you want to keep digital copies of your daily reports and be sure to name them according to the date the information was compiled (e.g., “2020-08-07 Daily Report.pdf,” or “2020-08 Daily Reports.pdf” for a compilation of all the dailies for August 2020). Naming files in that fashion make them easily sorted by date and allows you to quickly retrieve the information you need when you need it. More importantly, when you get your attorneys involved and hand that information over to them, having all of your documents organized (and complete) will reduce the amount of time your attorney spends trying to find the right documents to support your claim, and in turn reduce your legal fees. You should be paying your lawyer to provide legal advice and evaluate your claims, not to comb through a trove of disorganized documents.

If you don't have a standard form for daily reports, **use this one**. Everyone loves to win and hates to lose. Whether it is during the claim process under the contract or after a case has been filed in court, you want to win. Bottom line, you put yourself in a better position to win when you properly document the project.



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