Design Professionals Roundtable Recap: Arguing Motions in Design Professional Litigation: A Mock Hearing

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On June 11, 2026, MG+M The Law Firm hosted an interactive Design Professionals Roundtable, exploring one of the most pivotal stages of litigation—arguing motions.

The program was structured as a live mock motions hearing, where MG+M attorneys argued three motions commonly encountered in design professional litigation: a summary judgment motion involving subrogation waivers, a *Daubert* challenge to the reliability of expert methodology and opinion foundation, and a statute of repose and indemnity motion addressing timing defenses and contractual risk transfer.

Key Takeaways

+ **Pretrial motions are a critical defense tool**—when successful, they can end a case entirely, narrow the issues for trial, or increase settlement leverage. They're not just a formality.
+ **Timing defenses matter; know your statute of repose**—in Massachusetts, the six-year clock starts at certificate of occupancy or substantial completion. How an indemnity clause is drafted can determine whether a claim survives as a contract claim or gets swept up in the bar.
+ **Subrogation waivers are powerful but not bulletproof**—Massachusetts courts broadly enforce them, but reckless or intentional conduct is the key exception. Every subrogation claim against a design professional should be evaluated for this defense.
+ **Expert witnesses can make or break a case**—challenging an opponent's expert through a Daubert/motion in limine is a legitimate and effective strategy, particularly where the methodology is flawed or causation is unsupported.
+ **Details in contracts and procedure matter**—vague contract language, missed expert deadlines, and failure to obtain mutual waivers can all shift the outcome of a case significantly.
+ **Evaluate every motion on three criteria: content, presentation, and timing**—a motion needs solid legal and factual research, a credible argument, and has to be filed at the right strategic moment in the case. These decisions should be made collaboratively with clients and insurers.

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 two additional interactive programs.

+ August 5 | 8 a.m. ET – Contracts 201 (Virtual)
+ September 30 | 3 p.m. ET – Alternative Delivery Methods (Hybrid, cocktail reception to follow)

Save the date. Registration details coming soon.

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