



Jodie Clark McDougal

SHAREHOLDER

Des Moines

515.242.8971

jmcdougal@fredlaw.com

Services

Construction

Real Estate & Construction

Litigation

Jodie is a construction and real estate attorney who handles both litigation and transactional matters for her clients within the construction, real estate and landlord/leasing industries in Iowa and beyond.

In her construction work, Jodie counsels clients within the commercial and residential construction industries including general contractors; homebuilders; construction management companies; architectural, engineering and other design professional firms; subcontractors; material suppliers; and property owners and developers.

In Iowa's construction industry, Jodie is regarded as among the most knowledgeable attorneys on mechanic's lien law. Jodie serves as Chair of the Construction Law Section of the Iowa State Bar Association (ISBA). She acts as general counsel for multiple construction industry associations.

In her real estate work, Jodie represents commercial and residential landlords and property management companies, real estate buyers, sellers, owner-developers, realtors, and homeowner associations in transactional and litigated real estate matters. Jodie has a niche in affordable housing, representing dozens of manufactured housing community owner-operators, including several national companies.

As an active member of several construction, real estate and landlord associations, Jodie speaks regularly to industry groups and takes pride in helping to educate these industries. Also, Jodie regularly publishes articles on various construction, real estate and landlord topics and is the Iowa author of the national lien law resource LienLawOnline.com.

Jodie is general counsel for multiple landlord, construction and real estate associations, and in this role, she has spoken several times on landlord and construction matters at the Iowa State Capitol, educating lawmakers on proposed legislation. In 2012, she was selected to be part of the Iowa Attorney General's working group of attorneys that drafted, reviewed and finalized the administrative regulations relating to Iowa's New Lien Law.

Experience

Construction

Jodie's range of expertise allows her to act as general counsel for her construction and design industry clients, assisting them with everything from contract negotiations to post-project litigation, and everything in between. Her construction law and litigation experience include:

- Mechanic's lien law and litigation
- Iowa Code Chapter 573 claims for public projects (i.e., public improvement claims/bond claims)
- Construction contract negotiation for commercial and residential construction projects, including AIA, ConsensusDocs, EJCDC and DBIA contracts
- Handling pre-litigation disputes and otherwise advising companies regarding disputes that arise during projects, including situations involving AIA Claims, Initial Decision Maker decisions, Change Order disputes, liquidated damages claims and contract termination and/or extensions
- Litigation/arbitration matters involving allegations of negligent work and/or defective products, negligent design claims, mechanic's liens, Chapter 573 (public project) claims, breach of contract claims, warranty claims, water intrusion and mold claims, bond claims and collection matters
- Acting as general counsel for various construction and design companies and advising them as to their various contract, dispute, best practices and other questions that arise throughout their various projects

Real Estate

Jodie represents real estate buyers, sellers, owner-developers, realtors, and homeowner associations in transactional and litigated real estate matters. Her real estate law and litigation experience include:

- Mechanic's lien matters
- Homeowners' association issues, including collection of delinquent assessments, enforcement of covenants, and preparation and amendment of association rules and covenants
- Breach of purchase agreement disputes
- Negotiation of real estate purchase and sale contracts for sellers and purchasers
- Obligations of realtors and other realtor issues
- Mandatory seller disclosure claims and claims of pre-existing water and/or mold problems
- Nuisance actions involving municipalities

- Drainage-related matters
- Subdivision-related work
- Enforcement of installment contracts
- Infringement of property ownership rights by an adjacent landowner

Landlord

Jodie represents commercial and residential landlords and property management companies. She has a niche in affordable housing, representing dozens of manufactured housing community owner-operators, including several national companies. Her work includes:

- Drafting and negotiating residential and commercial lease agreements and other forms and policies (e.g., installment sale contracts for manufacturing homes, pet policies, application forms, etc.)
- Advising landlords on legal issues under Iowa Code Chapter 562A (Uniform Residential Landlord and Tenant Act)
- Advising landlords on legal issues under Iowa Code Chapter 562B (Mobile Home Parks Residential Landlord and Tenant Act/Manufactured Home Communities)
- Handling pre-litigation landlord-tenant disputes
- Defending HUD, Fair Housing Act and other housing discrimination complaints
- Litigating matters including breach of lease agreement, enforcement of landlord liens, FED actions, collection actions, actions involving abandoned mobile homes, matters involving the alleged breach of the implied warranty/covenant of quiet enjoyment, guaranty disputes, and private nuisance disputes

As an active member of several real estate and landlord associations, Jodie speaks regularly to industry groups and takes pride in helping to educate these industries. She often publishes articles on various landlord topics. Jodie is general counsel for multiple landlord and real estate associations, and in this role, has spoken several times on landlord and real estate matters at the Iowa State Capitol.

Credentials

Education

- James E. Rogers College of Law, University of Arizona, J.D., 2004
- Iowa State University, B.S., 2001

Admissions

- Iowa, 2004

- U.S. District Court for the Southern District of Iowa, 2004

Recognition

- *Best Lawyers in America*, Construction Law, 2016-2024
- *Great Plains Super Lawyers Rising Star*, Construction Litigation, 2013-2023
- Reader's Choice Award Top Author, Real Estate, *JD Supra*, 2021
- Young Professional of the Year, Home Builders Association of Greater Des Moines, 2020
- Friend of Nursing Award, Iowa Nurses Association, 2013

Civic & Professional

Professional Activities

- Iowa State Bar Association, Member, Construction Law Section Council, 2017-present
- Iowa State Bar Association, Vice-Chair, Construction Law Section Council, 2019-2021
- Iowa State Bar Association, Chair, Construction Law Section Council, 2021-2023
- Polk County Bar Association
- Master Builders of Iowa
- National Association of Home Builders
- Home Builders Association of Greater Des Moines (HBA)
- Home Builders Association of Iowa
- HBA's Professional Women in Building Council
- Iowa Manufactured Housing Association
- American Apartment Owners Association
- American Institute of Architects (AIA Iowa)

Community

- Girl Scouts of Greater Iowa, Former Board Member
- Project SOAR, Former Mentor
- Leukemia Society of America, Former Volunteer
- Make a Wish Foundation, Former Volunteer

News

Firm News | 08.17.2023

Fredrikson Attorneys Recognized in The Best Lawyers in America© 2024

Article | 08.18.2022

Fredrikson & Byron Attorneys Recognized in The Best Lawyers in America© 2023

Firm News | 08.02.2022

Jodie McDougal Re-Appointed as Chair of the Construction Section Council of the Iowa State Bar Association

Firm News | 05.16.2022

Fredrikson & Byron Expands Construction and Real Estate Practice

Legal Updates

Legal Update | 11.20.2023

MHC-Landlord Best Practices When a Tenant Passes Away

Legal Update | 08.08.2023

The CARES Act and Evictions: Continued Inconsistency and Confusion for Iowa Landlords

Legal Update | 05.31.2023

Recent Eviction Appeal Victories for Landlords

Legal Update | 04.13.2023

Eighth Circuit Victory for Landlord in Section 8 Voucher-Fair Housing Case

Legal Update | 04.06.2023

Iowa Property Owners Facing Sticker Shock from Property Tax Assessments

Legal Update | 02.09.2023

The Rise in Audited Construction Projects: What You Need to Know

Legal Update | 02.06.2023

Legislative Update for Iowa Landlords

Legal Update | 11.29.2022

Landlords in Certain Counties Must Take Note of Heightened Notice Requirements

Article | 10.24.2022

Manufactured Home Communities: County Treasurer Reporting Requirements

Legal Update | 07.01.2022

Construction Manager at Risk Project Delivery Method Now Permitted for Iowa Public Projects

Legal Update | 06.29.2022

Iowa Supreme Court Issues Opinion RE: Subcontractor Preliminary Notices

Legal Update | 06.17.2022

Victory for Iowa and National Associations of REALTORS® in Iowa Supreme Court Case

Legal Update | 06.13.2022

NDAs: What to Consider Before Signing on the Dotted Line

Legal Update | 05.26.2022

Manufactured Home Community Owner-Operators Must Take Notice of New Law Now in Effect

Publications & Presentations

Frequent Contributor, *BUILD DSM*

Frequent Contributor, *HBA Iowa Blueprint*

Iowa Construction Law Insights Newsletter

Presenter of 2 sessions on various topics including recent legislative changes affecting landlords, recent service of process trends, best practices regarding Public Relation matters, best practices regarding evictions and other matters, Iowa Manufactured Housing Association Annual Convention, September 19, 2023

Presenter, *Risk Mitigation and Protecting Your Construction Business through Contracts, Insurance, and Worker's Compensation*, HBA of Greater Des Moines' Leveling Up Your Business Conference, March 29, 2023

Session Leader, Iowa State Bar Association Construction Law Seminar, May 24, 2023

Presenter, *2022-2023 Case Law and Statutory Update*, Iowa State Bar Association Construction Law Seminar, May 24, 2023

Presenter, *Best Practices for Acquisition, Ownership, and Management of Manufactured Home Communities*, 2023 MHU Annual Summit, February 9, 2023

Presenter, *A Review of Construction Law Topics Relevant to Roofers, Siding Companies, and other Remodelers*, ABC Supply Co.'s Contractor Training Session, February 8, 2023

Presenter, Iowa Manufactured Housing Association's Annual Convention, October 14, 2022

Presenter, Landlords of Iowa's Annual Convention, October 13, 2022

Panelist, Iowa Association of Realtor's Annual Convention, October 6, 2022

Panelist, *Understanding CMAR for Public Projects*, AIA Iowa's (American Institute of Architects—Iowa Chapter) Annual Convention, September 30, 2022

"Iowa Now Allows 'Construction Manager at Risk' Delivery Method for Iowa Public Projects," *Business Record*, September 2022

"Construction Manager at Risk Project Delivery Method Now Permitted for Iowa Public Projects," Iowa State Bar Association's *The Iowa Lawyer*, August 2022

"Major Change to Iowa's Construction Law," *The Iowa Lawyer Weekly*, July 1, 2022

Presenter, *Iowa Supreme Court Case—Amanda DeSousa v. Iowa Realty, et. al.*, Coldwell Banker's Monday Mastermind Speaking Series, May 23, 2022

Presenter, *Case Law and Statutory Update*, ISBA Construction Law CLE, May 16, 2022

Featured, "Mental Health in the Construction Industry," *HBA of Iowa Blueprint Newsletter*, May 2021

Presenter, Iowa State Bar Association Annual Construction Law CLE, April 2021

Presenter, Landlords of Iowa Association Quarterly Virtual Meeting, April 2021

Featured, "Federal Rental Assistance Funds for Landlords," *Iowa Association of Realtors Newsletter*, April 2021

Quoted in "Iowa Mobile Home Tenants Unlikely to Get More Legal Protections After This Year's Legislative Session, Lawmakers Say," *Des Moines Register*, April 2021

Quoted in "Hard Hats Aren't Enough," *BUILD DSM Magazine*, April 2021

Author, "Mental Health in the Construction Industry," *Iowa Construction Law Insights Newsletter*, March 2021

Presenter, *Iowa Construction Law*, Kirkwood Community College—Construction Management Students, March 2021

Author, "Construction-Industry Bills to Watch in Iowa Legislature," *BUILD DSM Magazine*, February 2021

Presenter as Construction Industry Expert on SSB1006, Iowa State Subcommittee, February 2021

Quoted in "Legislative Notes: Construction-Industry Bills to Watch in Iowa Legislature," *Business Record*, January 2021

Author, "Construction-Industry Bills to Watch in Iowa Legislature," *Business Record Commercial Real Estate Weekly*, January 2021

Presenter, *COVID-19 Response and Best Practices*, Iowa Manufactured Housing Association Annual Conference, November 2020

Author, "Increased Material Costs Leave Contractors Asking About Contract Protections," *HBA Iowa Blueprint Newsletter*, November 2020

Author, "Is a Worker an Employee or Independent Contractor? DOL Proposes New Rule," *BUILD DSM Magazine*, November 2020

Presenter, *CDC Eviction Order*, Landlords of Iowa Board Meeting, October 2020

Presenter, *Rising Costs of Lumber and Contract Protections*, National Association of Home Builders Leadership Meeting, October 2020

Presenter, *Ruff, Ruff! Was That a Dog? Avoiding Lawsuits Relating to Assistance Animals*, Iowa Association of Realtors Annual Convention, September 2020

Author, "Implications for Iowa Landlords on Recent Iowa Supreme Court Order," *HBAI News Weekly*, October 2020

Author, "Increased Material Costs Leave Contractors Asking About Contract Protections," *BUILD DSM Magazine*, October 2020

Quoted, "Des Moines attorney: CDC's proposed order won't halt all evictions," *Business Record*, September 2020

Quoted in "CDC-Issued Eviction/Foreclosure Moratorium Targeted by Lawsuits," *DSnews*, September 2020

Author, "Contracts & COVID-19," *HBA Iowa Blueprint Newsletter*, May 2020

Presenter, *COVID-19 Laws and Best Practices for Contractors*, Remodeler's Council of the Greater Des Moines Home Builders Association, April 2020

Panelist, *COVID-19 Legal Panel for Brokers*, Iowa Association of Realtors, April 2020

Presenter, *COVID-19 Laws and Best Practices for Construction Industry*, Greater Des Moines Home Builders Association, March 2020

Co-Presenter, *Statutory and Case Law Update*, Iowa State Bar Association Construction Law Seminar, March 2020

Quoted in "Iowa House Panel Advances Protections for Mobile Home Park Residents," Iowa Public Radio, February 2020

Quoted in "Bills at the Statehouse Aim to Protect Mobile Home Park Residents," KHQA News, February 2020

Quoted in "New Regulations Proposed for Iowa Mobile Home Parks," Radiolowa, February 2020

Presenter, *Legal Update*, ABC Supply Co Contractor Seminar, January 2020

Presenter as Manufactured Housing Industry Expert, Iowa Senate Public Hearing, December 2019

Keynote Speaker, *Legal Update and Fair Housing*, Iowa's Manufactured Housing Association Annual Conference, November 2019

Keynote Speaker, *Recognizing and Avoiding Common Landlord Problems*, Landlords of Iowa Annual Convention, October 2019

Presenter, *Risk Management*, Greater Des Moines Home Builders Association Remodelers Council, September 2019

Quoted in "Investor Firm that Hiked Lot Rents at Iowa Mobile Home Parks is Subject of Complaints in Other States," *Des Moines Register*, May 2019

Author, "Contractors Must Proceed Cautiously," *Build DSM Magazine*, May 2019

Author, "Contractors Must Proceed Cautiously," *HBA Iowa Newsletter*, May 2019

Quoted in "Rent Hikes Hit Iowa City, West Branch Mobile Home Parks," *The Gazette*, April 2019

Quoted in "'I Made Myself a Bull's-Eye': Waukee Man Fighting Mobile Park Rent Hike Gets Cease-and-Desist Letter," *Des Moines Register*, April 2019

Co-Presenter, *OSHA Training*, Ames Home Builders Association, April 2019

Co-Presenter, *OSHA Training*, Greater Des Moines Home Builders Association, February 2019

Blog Posts

The Construction Counselor | 02.02.2023

The Rise in Audited Construction Projects: What You Need to Know

The Construction Counselor | 07.01.2022

Construction Manager at Risk Project Delivery Method Now Permitted for Iowa Public Projects

The Construction Counselor | 06.29.2022

Iowa Supreme Court Issues Opinion RE: Subcontractor Preliminary Notices

The Construction Counselor | 06.13.2022

NDAs: What to Consider Before Signing on the Dotted Line

The Construction Counselor | 09.01.2021

Contractor Strategies for Dealing with Increased Material Costs

The Construction Counselor | 06.01.2020

Mechanic's Liens Rights on Residential Projects addressed by the Iowa Supreme Court and at the Iowa State Capitol

The Construction Counselor | 02.14.2020

Iowa Supreme Court Affirms Decision Holding Contractor Acted as Unlicensed Public Adjuster