

Engineering & Construction

Litigating large-scale and complex engineering and construction disputes on major industrial and other projects on behalf of engineering/design firms, owners, and EPC, design/build, and construction contractors.

Our attorneys successfully navigate our clients through the notoriously complex and challenging landscape of major engineering and construction litigation. These disputes can feature dozens of contractors and key project personnel, millions of pages of often highly technical project documents, and dozens of specific claims or issues needing resolution. For more than three decades, we have waded into such disputes on behalf of project owners and engineering, design/architecture, and construction firms, involving both private projects and federal and state government contracts. We have handled disputes involving major projects in the U.S. and in numerous countries around the globe.

We find and work up the leading experts on behalf of our clients in fields ranging from engineering standard of care to schedule delay analysis to forensic accounting to labor inefficiency studies to financial and market damages evaluation. Our engineering and construction clients turn to us for their most challenging and difficult matters. No design, engineering, or construction dispute is too large or complex for us.

Our engineering/design and construction practice is diverse – it has taken us to federal and state courts all across the country, the U.S. Court of Federal Claims and the Federal Circuit, agency boards of contract appeals, and domestic and international arbitration tribunals. We have tackled and overcome obstacles to recovery faced by our clients, including absolute sovereign immunity asserted by contracting state agencies and contractual bars to recovery. We view these hurdles as opportunities, not problems.

Our engineering and construction clients include:

- architect and engineering firms
- construction contractors
- design-build/engineering, procurement, and construction (EPC) companies
- trade subcontractors and suppliers
- project owners and developers
- government contractors
- joint ventures

Some of our more notable matters include:

- Lead trial counsel for a major U.S. and international defense and government contractor for aviation, national security, healthcare, and information technology and engineering services and systems, and two of its subsidiaries, defending against an up-to-\$400 million claim alleging engineering and construction/project management breach, negligence, and fraud. In this bifurcated case, we won a complete defense judgment for our clients following a 4-week bench trial (the judgment in favor of our clients was upheld on appeal, though reversed as to the claims between other parties). Trial in the second phase, expected to be a multi-week jury trial, is scheduled for later this year.
- Lead trial counsel for a project owner — a major chemical company that is a subsidiary of the world's third largest company (by market cap) — in the defense of claims by its general contractor for substantial additional costs following project cost overruns and delays during the Covid-19 pandemic shutdown, and prosecuting a large counterclaim against the contractor on behalf of our client.
- Lead trial counsel for the owner of a major chemical plant seeking damages against its co-owner and plant operator for construction delays in rebuilding the plant following a catastrophic explosion. After presenting evidence that the co-owner exploited the rebuild project to conduct a plant expansion project in which our client was not participating, which significantly delayed the plant's reopening, we secured a favorable resolution for our client in the middle of trial.
- Co-trial counsel for a major bridge and highway construction contractor in a four-week jury trial against the State of Alabama, one of the few states that has not waived sovereign immunity for claims by its contractors. Following a decade-long odyssey in both state and federal court, including an appellate argument before the Eleventh Circuit, we overcame the state's immunity defenses and secured a successful verdict for our client.