

A photograph of a construction site at dusk or dawn. Several large tower cranes are visible, their long jibs extending across the sky. The cranes are primarily yellow and red. In the foreground, numerous vertical rebar structures are visible, some with concrete bases. The sky is a mix of blue and light orange, suggesting the time is either early morning or late afternoon. The overall scene is one of active construction.

pillsbury

Construction Counseling & Dispute Resolution

Construction disputes are a fact of life. Litigation doesn't have to be.

Which is why developers, engineers, contractors and owners rely on Pillsbury's construction lawyers for their unrivaled experience helping clients avoid litigation—through drafting and negotiating contracts that anticipate frictions and through troubled project counseling that resolves disputes before they cause delays. Our reputation for putting troubled projects back on track led *Chambers USA* to call the team's lawyers "preeminent" in the field. *U.S. News & World Report/Best Lawyers* named the practice "2016 Law Firm of the Year" and *Chambers USA* deemed it a finalist for the 2015 Award of Excellence in construction, an award it has won on two previous occasions. When litigation cannot be avoided, our team has won some of the most complex construction cases to appear in state and federal courts, as well as in administrative and arbitral bodies around the world.

DISTINGUISHING EXPERIENCE

Energy

- **North American LNG Facility.** Represented a joint-venture developer, comprising an oil major and a Middle Eastern oil company, of an LNG facility in an AAA arbitration against the contractor, who claimed over \$100 million arising out of delays to the construction project due to Hurricane Ike.
- **Venezuelan Petroleum Facility.** Represented an engineering firm in an arbitration over the construction of a petroleum by-products handling facility in Venezuela.
- **Canadian/U.S. Gas Pipeline.** Defended a major gas and electric company against claims arising from the \$1.7 billion expansion of a gas pipeline from Canada to California.

Commercial/Residential

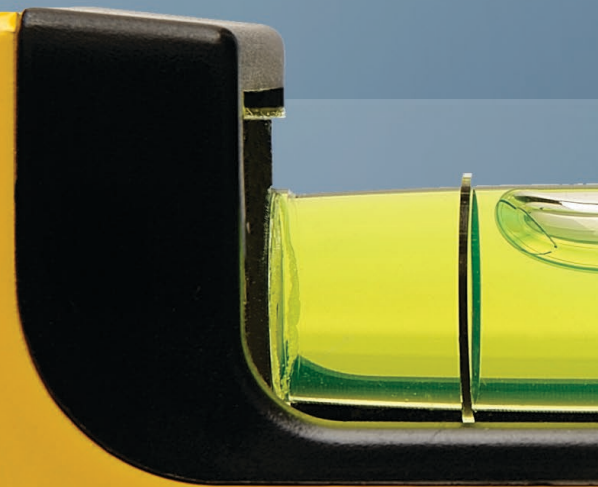
- **Chinese Drywall.** Retained by real estate developer to assist with Chinese drywall and related issues, including the pursuit of third-party recoveries to help fund replacement of the drywall and other damages related to a high-rise condominium project in Florida.
- **Casino/Hotel Complex.** Representing a construction company in a complex dispute over cost overruns, increased work scope and allegations of defective work on a casino/hotel complex in upstate New York.

Procurement Disputes

- **Korean Steel Company.** Represented a large Korean steel company in litigation over the design and construction of a \$380 million hot briquetted iron plant in Venezuela, which involved related supply and purchase contracts.
- **International Metals Trading Company.** Advising an international metals trading company on various extension of time claims involving the delivery of steel for use in a water project in Chile.

Public Works

- **Panama Canal Expansion Project.** Advised the Panama Canal Authority on the selection of appropriate project delivery methods, phasing and contracting strategies for this \$5 billion project, consisting of the construction of new sets of locks at the Atlantic and Pacific ends of the canal, the excavation of new canal sections to access the Pacific locks and the dredging of both the inland and oceanside waterways.



Our lawyers have worked on some of the world's most complex construction projects: the Panama Canal extension, major infrastructure cases around the globe and two of the largest hospital disputes in history, as well as commercial, industrial and residential projects worldwide.



Health Care

- **Major U.S. Public University.** Representing a public university system in connection with disputes and litigation totaling \$480 million arising from the design and construction of a \$2 billion multi-hospital project in California.
- **\$1 Billion Dollar Private Hospital.** Representing a construction company in connection with the construction of a \$1 billion private hospital facility, where design issues have resulted in substantial delays and increased costs.
- **Private Hospital Litigation.** Represented a major international contractor and its surety in the successful resolution of more than \$100 million of disputes with the owner, designers and subcontractors in the context of the prime contractor's bankruptcy and surety takeover.

Insurance and Indemnification

- **Residential and Resorts Project.** Representing a construction company in insurance claims arising out of the construction of a residential and resorts project in Florida, including builder's risk recovery and recoveries under the Contractor Controlled Insurance Program general liability and other insurance policies.
- **Contaminated Concrete.** Successfully resolved a \$50 million lawsuit arising from alleged contaminants from a contractor's concrete batch plant by securing insurance coverage, which paid the settlement sum in full and also the client's legal fees.
- **Miller Park Crane Collapse.** Represented construction company in insurance recovery following the collapse of a gigantic crane, killing three workers and causing major structural damage to the still-under-construction baseball park in Milwaukee, WI.

Stadiums and Arenas

- **AT&T Park, San Francisco, CA.** Contracting and planning for \$320 million construction of AT&T Park, the first major U.S. sports facility to be built in more than 30 years with private funds.
- **Citizens Bank Ballpark, Philadelphia, PA.** Represented a general contractor in post-completion litigation to resolve subcontractor claims for delay, disruption and extra work.

The Pillsbury Difference

Unmatched Experience, “Preeminent” Lawyers

Our lawyers are counselors, negotiators, insurance professionals and litigators entirely focused on the construction sector. We have long represented sophisticated clients developing complex projects around the world, providing clients with direct experience in any issue that arises at any phase of a venture—the basis for *Chambers USA* hailing lawyers on our team as part of the “preeminent practice of its kind in the United States.”

Local Market Experience

As one of the most active construction law practices in the U.S., with attorneys based in the firm’s San Francisco, Los Angeles, Houston, New York, and Washington, DC offices, our lawyers have on-the-ground experience and relationships in major U.S. markets, allowing us to anticipate the impact of local laws and regulations and avoid potential delays to planning and construction.

Documentation that Anticipates Trouble

Many clients call on us at the outset of a project to negotiate and document contracts designed to prevent disputes down the line—contracts with clearly defined guarantees, meticulously described milestones and carefully allocated responsibilities.

Insurance Recovery

We represent construction insurance policyholders only and are routinely adverse to all types of insurers (CGL, Property, Builder’s Risk, Professional Liability). This means that our construction experience and project knowledge will also be used to maximize recovery under your insurance policies and the policies of other potentially responsible parties. Having one firm perform both dispute resolution and insurance recovery is a more efficient and effective model for complex problems.

Capabilities

Contract Negotiation and Preparation

Our attorneys have experience negotiating and preparing all of the major professional and industry forms and one-off “manuscript” forms, while evaluating the risks tied to the full range of delivery options (integrated project delivery, design-build, design-build-operate-maintain, build-own-transfer, build-own-operate-transfer, general contractor, construction manager, program manager and engineer-procure-construct). We have also worked with public-private partnership structures and financing from international lending organizations like the Export-Import Bank and OPIC.

Troubled Project Services

Signs that a project is headed for trouble often appear early. One of the core functions of our Construction Counseling & Dispute Resolution team is identifying and implementing corrective actions that prevent disputes and litigation. Pillsbury’s Construction lawyers—many dual-qualified as architects or engineers—provide solutions that can range from minimally intrusive adjustments in project procedures to an extensive revamping of project participants and their roles. Timely intervention of this nature is generally highly cost-effective, and our advice is often rendered without other contractual parties even knowing that outside counsel has been consulted.

Dispute Resolution

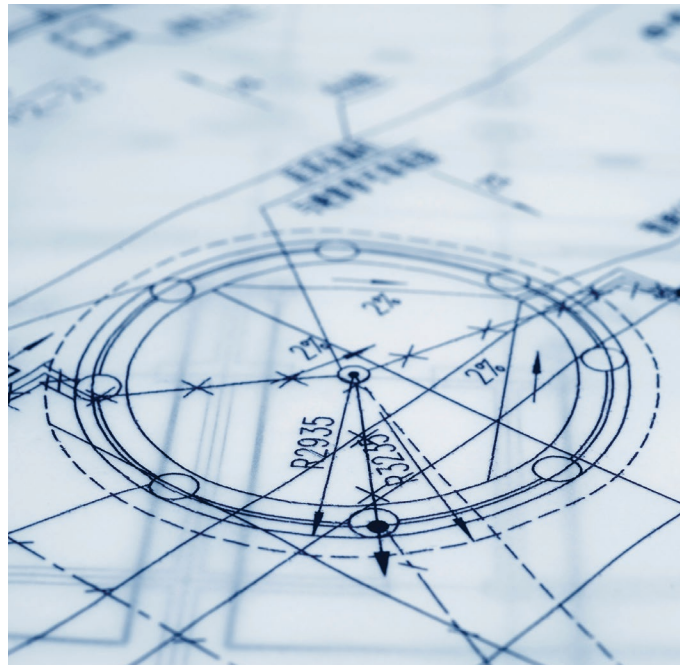
Pillsbury attorneys represent owners (public and private), developers, engineers, general contractors, investors, design professionals and vendors in domestic and international disputes arising from construction projects, insurance and risk management issues, and multi-layered contractual agreements. Our experience covers mediation, arbitration and litigation before and during the construction phase and in post-construction proceedings. This includes representing clients with pre-litigation disputes, in federal and state courts throughout the United States, and in cases before domestic and international arbitral tribunals.

Procurement Disputes

Our legal services include representing vendors and owners in a variety of domestic and international cases involving procurement contracts for extremely sophisticated customized products and services, both domestically and internationally.

Construction Insurance and Indemnification

Our team advises policyholders on insurance and risk management issues that arise outside of litigation, including the structuring of risk transfer programs for contractors, real estate developers, private equity funds and major homebuilders. In numerous construction disputes, we have been successful in obtaining insurance coverage and indemnification for our clients under their insurance policies as well as under other parties’ insurance policies by way of additional insured coverage and owner-controlled and contractor-controlled insurance policies on large construction projects.



Industry Sector Experience

Energy Facilities and Power Projects

We represent contractors, designers, engineers and others in a variety of domestic and international cases involving the construction of power projects, refineries, transmission lines, solar and wind power generating facilities, and other energy facilities. These cases include appearing before international arbitral tribunals, including the International Chamber of Commerce, the International Centre for Dispute Resolution, the International Centre for Settlement of Investment Disputes and the China International Economic and Trade Arbitration Commission.

Public Works

Pillsbury lawyers represent public entities, contractors, designers, engineers and others in disputes and litigation involving design and construction of public works, including dams, rail, mass transit, airports, highways and bridges, pipeline and underground utilities, sanitation and water treatment facilities, prison facilities, hospitals, schools and other educational facilities. Our experience in this area includes representing clients with bid protests regarding award of public works contracts.

Health Care

We represent contractors and owners in the planning and construction of health care facilities. We have extensive experience in drafting design and construction documents (conventional and non-conventional delivery systems); evaluation of design/construction risks; troubled project counseling; seismic risks and upgrades; dispute resolution and guidance (including mediation and arbitration); and prosecution and defense of project claims, including schedule, cost, scope and defect claims involving contractors, architects and engineers.

Commercial and Residential Projects

We represent owners, developers, high production home builders, financial institutions and contractors in disputes and litigation involving the construction and development of commercial facilities such as office buildings and high-rises, hotels, convention centers, stadiums, arenas, business parks, shopping centers, storage facilities, residential subdivisions and building sites, apartment complexes, condominiums and related improvements, industrial facilities, utilities and infrastructure.

Our Services

- Contract Formation
- Contract Structure
- Risk Management/Insurance Structure
- Claims Procedures
- Dispute Resolution
- Contract Disputes—Change Orders, Delay Claims, Extra Work, Scope Disputes
- Defective Work—Construction, Design
- Insurance Recovery

Project Scope

- Aerospace and Defense Contracting
- Airports
- Bridges and Tunnels
- Buildings and Public Facilities
- Commercial and Residential
- Dams and Waterways
- Energy Facilities
- Fossil and Nuclear Power
- Hospitals and Health Care Facilities
- Hotels, Casinos and Hospitality
- Industrial and Manufacturing
- Mining and Minerals
- Pipeline Transmission and Distribution Systems
- Rail and Transit Systems
- Renewable Resource Power
- Roads and Highways
- Seaports
- Stadiums and Convention Centers
- Telecommunications
- Universities and Colleges
- Water and Wastewater

About Our Construction Counseling & Dispute Resolution Practice

Pillsbury has nationally recognized experience to guide you through every phase of a complex commercial or infrastructure project, whether you are executing a deal or resolving a dispute. We bring unified project management to your entire endeavor so you never have to doubt that you have the right experience or that your counsel has full context. And when your issue is more discreet, you can rest assured that our experience enables us to see beyond the obvious perils.

Our clients are financiers, owners, developers, and contractors of all type. Our project experience ranges from power generation (nuclear, solar, natural gas, coal), to transportation (highways, light rail, airports, and ports), and to commercial infrastructure (hotels, high rise apartments, office buildings, hospitals, higher education buildings, convention centers, and stadiums).

About Pillsbury

Pillsbury Winthrop Shaw Pittman LLP is an international law firm with offices around the world, and a particular focus on the technology, energy & natural resources, financial services, real estate & construction, and travel & hospitality sectors. Recognized by legal research firm BTI as one of the top 20 firms for client service, Pillsbury and its lawyers are highly regarded for their forward-thinking approach, their enthusiasm for collaborating across disciplines and their unsurpassed commercial awareness.

Learn More

To learn more, visit us at pillsburylaw.com/construction or our construction law blog, [Gravel2Gavel](http://Gravel2Gavel.com) at Gravel2Gavel.com.

Offices

Austin	Palm Beach
Beijing	Sacramento
Hong Kong	San Diego
Houston	San Francisco
London	Shanghai
Los Angeles	Silicon Valley
Miami	Taipei
Nashville	Tokyo
New York	Washington, DC
Northern Virginia	

