

Most Highly Regarded Firms: California 2009 - Construction

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Against a backdrop of uncertain economic times and as belts in the construction industry are tightening, the Californian legal market in this sector is undergoing a seismic reordering following the downfall of Thelen LLP in late 2008.

Thelen was the outstanding construction law firm in last year's edition with five partners featured in this chapter. However, following the recent dissolution of the firm that prized contingent has now moved to Howrey LLP. John Heisse chaired the practice at Thelen and is an "acknowledged leader in this field", while the former chairman Stephen O'Neal is a "tremendous acquisition" for his new firm. David Buoncristiani's disputes practice is "phenomenal" and was recommended by sources in the US and abroad. John Ralls "stands comparison with anyone" and is a former chair of the legal advisory committee of the Associated General Contractors of California. Robert Thum completes the picture at Howrey and was highly rated as an expert for construction and engineering work. Together, these lawyers "collectively represent the leading construction law practice in the state".

Farella Braun + Martel LLP once again has three partners among the best in the field. Its "enviable list" of construction clients includes Sony Corporation of America, Kaiser Foundation Hospitals, Port of Oakland and Visa USA, to name a few. Deborah Ballati's construction disputes practice was repeatedly held up as a "fine example". She has represented the University of California and BAE Systems, and her "tremendous profile" is based in part on her former role as chair of the ABA Forum on the Construction Industry. Her insurance coverage work also attracted admiring comment, as does her disputes work outside the courtroom; she serves on the American Arbitration Association (AAA) panel of commercial and construction arbitrators. The "first-class" Charles Sink also appears, and like his colleague he is "very well respected for his construction disputes work". He has served as an arbitrator in over 50 cases with AAA and the Office of Administrative Hearings, and is also a renowned mediator in this field. Alan Harris is of counsel to the firm and an "invaluable source of advice" to clients. He has represented the State of California, municipalities and special districts as well as the full range of industry professionals, and he is an "outstanding mediator".

The only other firm to gain more than one representative in this chapter is Kimble MacMichael & Upton in Fresno. Ronald Kahn is of counsel to the firm and an "elder statesman of the California construction bar". He is joined in this edition by Michael Jurkovich, a "real star" whose litigation practice on behalf of project owners, lenders, design professionals, contractors, subcontractors and suppliers was repeatedly recommended.

Eileen Diepenbrock of Diepenbrock Harrison "really knows what she's doing" and caught the attention of many of our interviewees. She is chair of the legal advisory committee to the Associated General Contractors of California, and "is thought to be a "fantastic litigator" by her peers. Her work on behalf of contractors in particular was held in high esteem.

Michael Minchella is a senior partner of Monteleone & McCrory LLP in Los Angeles and was described as a "vigorous, effective advocate for his clients". Described as "one of the leading authorities for infrastructure projects in the state", his trial history includes cases relating to the construction of major highways, schools, hospitals, office buildings and pipeline facilities.

Daniel McMillan co-chairs the multidisciplinary construction practice at Jones Day and is "very well respected by his peers". He has represented clients such as Genentech, the Los Angeles Unified School District and Santa Barbara Cottage Hospital in this field, and "stands comparison with anyone in California".

Robert Hendrickson of Duane Morris LLP is "at the top of the list" of leading construction lawyers, particularly in relation to all forms of dispute resolution; he has served as arbitrator for the AAA construction panel for over 15 years, and has participated as an advocate in over 50 arbitrations, mediations and other forms of ADR.

In San Francisco, Neil O'Donnell co-chairs the construction practice at Rogers Joseph O'Donnell & Phillips and is a "very solid guy - I'd refer work to him in an instant". A "seasoned litigator", he is particularly well known for his expertise in government contracts.

Robert Cathcart of Allen Matkins Leck Gamble Mallory & Natsis LLP is well known for handling "big ticket matters", and is the "counsel of choice" in construction disputes for several of our sources.

Richard Holderness of Seyfarth Shaw LLP has created quite an impression on our respondents: "He's a tough cookie who gives no quarter and asks none - a real asset to his clients." He is well respected in all forms of dispute resolution; he is a member of the AAA large complex case panel for construction disputes as arbitrator and mediator.

Peter Ippolito of McKenna Long & Aldridge LLP is reported to be the "finest construction lawyer in San Diego" and "in the very top tier in the state", according to our findings. A renowned litigator, he is also a member of the AAA's nationwide complex construction arbitration and mediation panels.

Randall Erickson of Crowell & Moring LLP leads the voting in Irvine. Senior partner and chair of the firm's construction group, he is "extremely experienced". Erickson received recommendations from across the US for his arbitration work (he is on the AAA's large and complex case panel) and mediation practice, and is well known for environmental remediation disputes.

Formerly of Cox Castle & Nicholson LLP, Timothy Truax now practises at his own law offices in El Segundo and is a "sharp guy". Respected for his transactional work as well as for his dispute resolution practice, he has represented clients such as Marriott International, Lockheed Martin and PCL Construction.

Edward Lozowicki of Sheppard Mullin Richter & Hampton LLP is another highly rated litigator, known for representing clients before federal and state courts as well as administrative agencies. In addition, he was picked out for his work as arbitrator and as counsel in proceedings seated at home and overseas. Also fêted for his energy and infrastructure related work, this "hugely capable practitioner" earns a place among the leaders in the field.

The "fantastic" William Eliopoulos of Rutan & Tucker LLP is another highly regarded litigator in this field, and his representative clients include Granite Construction, Knight Ridder and Shea Properties.

Construction boutique Bell Rosenberg & Hughes LLP appears in this chapter courtesy of Roger Hughes. A "very smart guy" and "terrifically impressive", he has served as lead counsel on over 100 jury trials in this field, and his arbitration and mediation practice is also admired. He has headed over 65 mediations resolving over \$1 billion of construction disputes.

Howard Ashcraft at Hanson Bridgett LLP is "extremely well respected" in the local market, both for his disputes practice - he has tried numerous delay and impact cases, jury and court trials as well as construction arbitrations - and for the "impeccable quality of his writing in this field".

Miller Morton Caillat & Nevis LLP's Frank Hughes is another "top-class litigator". Currently lead counsel for a national general contractor in a \$50 million construction delay and payment claim in federal court, he received commendation from sources across the US.

Robert Leslie at McInerney & Dillon in Oakland is a "really tough opponent in the courtroom" and is known for his knowledge of heavy construction, infrastructure projects and engineering related expertise, he has experience of highway projects, railways, dams and bridge-related matters.

Senior principal of Wulfsberg Reese

Colvig & Firstman PC James Wulfsberg "knows every aspect of the construction process inside out". With experience of projects in the US, Latin America and the Middle East, he was recommended for his work on behalf of EPC contractors, public and private owners, architects and engineers.

Glenn Turner of Gibbs Giden Locher Turner & Senet LLP "has great clients" and a "first-class reputation", while Gordon Hunt of Hunt Ortmann Palffy Nieves Lubka Darling & Mah is "legendary - a scholar and a first-class lawyer".

Stephen Zovickian co-chairs the construction and project finance litigation group at Bingham McCutchen LLP and is also highly rated. His disputes practice encompasses the representation of owners, public entities, contractors and design-builders and he is regarded as "one of the best around".

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