

KIRKLAND CONSTRUCTION LAW

LITIGATION | ARBITRATION | MEDIATION
CONTRACTS | PROJECT CONSULTING
FOREIGN CORRUPT PRACTICES ACT
INSURANCE COVERAGE

KIRKLAND & ELLIS



THE KIRKLAND ADVANTAGE

Throughout the years, the Kirkland & Ellis Construction Law Practice Group has successfully litigated and arbitrated disputes involving some of the most high-profile construction projects in the world. These include claims of defective engineering for reservoirs, dams and tunnels, disputes over the safe design and construction of nuclear plants, and litigating the cause of sports stadium and building collapses. The Construction Law Group practices in state and federal courts and arbitration forums throughout the United States, as well as in Europe, Asia and the Middle East, including in International Arbitration forums.

Trial Experience

Kirkland's Construction Law Group brings a unique advantage in high-stakes construction and engineering disputes. The Construction Law Group is comprised of attorneys who are extensively trained to try high-value, complex cases in any forum. As recognized by numerous media outlets, Kirkland is the firm of choice by general counsel when big case litigation is involved. Kirkland brings its trial and advocacy expertise to bear on all construction and engineering disputes it handles, which, as experience has taught, consistently provides the client with the best result either by judgment or settlement. This strength is shown by the many attorneys in Kirkland's Construction Law Group who have also successfully tried a wide variety of notable cases outside of the construction arena to landmark verdicts and judgments.

Broad Expertise

Kirkland provides a unique advantage for construction and engineering companies, given its breadth of practice area expertise. Today many complex domestic and international construction disputes require, and will significantly benefit from, related practice group guidance. Kirkland's expertise in government contracting, insurance coverage, the Foreign Corrupt Practices Act and other related areas has proven highly beneficial to Construction Law Group clients.

Client Counseling

Kirkland's Construction Law Group also devotes a substantial amount of time to contract negotiation and drafting, project oversight and pre-litigation counseling. Because Kirkland knows and can anticipate litigation issues, Kirkland has a special advantage in advising clients on how to avoid potential costly disputes. Importantly, this guidance has proven valuable for putting clients in the best possible posture in the event of potential litigation — often resulting in the settlement of claims before litigation has commenced.

Cost-Efficient

Kirkland recognizes that success in any type of construction law case depends on the close coordination with and satisfaction of the client's in house counsel. While providing legal services of preeminent quality, Kirkland pays close attention to cost controls and cost-effectiveness and is committed to providing clients with realistic budgets and, where appropriate, alternative fee arrangements.

The pages that follow feature some examples that illustrate the breadth and depth of Kirkland's domestic and international Construction Law Practice Group.

“There is a depth of experience; the team provides a wide range of expertise and has seen and done just about everything.”

—Chambers USA, 2013



James N. Nowacki, P.C.

James Nowacki, of counsel in commercial litigation and construction law, is listed in *The Best Lawyers in America: Construction Law/Litigation-Construction*, U.S. News and World Report, Best Lawyers, 2008-2016.

His decades-long practice focuses on commercial litigation and all manner of construction disputes.



Jeffrey L. Willian, P.C.

Jeffrey Willian is a senior litigation partner who, as lead trial counsel, has successfully obtained the largest jury verdict in Wisconsin history and the then-largest judgment in Illinois history. Jeff has advised on and tried numerous construction and engineering matters to judgment. Clients appreciate Jeff's creative and hands-on approach to resolving their actual and potential disputes.

Coal Fired Generating Plant Arbitration

Kirkland represented an internationally known contractor in an arbitration regarding the construction of two massive supercritical pulverized coal fired electric generation units. The case involved multiple complex issues stemming from the bidding for the project, lost labor productivity and unforeseen changes in conditions and schedules. A favorable settlement was obtained for the client.

Subcontractor Jury Verdict in Federal Court

In an action by a large welding subcontractor, Kirkland won a federal court jury trial against a large nuclear plant owner for interference with the subcontractor's work, entitling the subcontractor to additional compensation.

Dam Safety System Failure

Kirkland defended a global engineering firm that designed a dam safety system alleged to have failed, causing millions of dollars in flood damage. Kirkland won the dismissal of 11 out of 13 cases and favorably settled the remaining claims.



Elizabeth S. Hess

Elizabeth Hess is a litigation partner — named an “Illinois Rising Star” by *Super Lawyers* in 2010-2012 — with broad experience representing architects, engineers and contractors in major construction cases. She also represents clients in the Firm's Government, Regulatory & Internal Investigations practice.



Stadium Roof Collapse

Following a collapse of the roof of a newly built sports stadium, Kirkland successfully won a jury verdict on all of its cross claims for the architect against the roof engineer. Among other innovative approaches, Kirkland showed the jury one of the first animations of a roof heating system and a three-dimensional finite element structural analysis.

“They are respectful of their clients’ time and they’re well organized. It’s a pleasure to work with the Kirkland people.”

—Chambers USA, 2013

Refinery Construction Defects

Kirkland represented a refinery owner in a breach of contract suit involving the modernization of the company’s refinery. After installation at the refinery, the steel fire proofing began prematurely to degrade, causing the owner to incur millions of dollars in repair costs. Kirkland successfully settled the case.



Michael B. Slade

Michael Slade is a partner with a broad trial and appellate practice involving all types of complex commercial litigation, including large construction related matters. He has been listed as a rising star in Illinois Super Lawyers every year since 2011 and was recognized in *The Legal 500 U.S.* for Product Liability and Mass Tort Defense (2012 and 2014) and Consumer Products (2013).



Michael P. Foradas, P.C.

Michael Foradas is a senior litigation partner and a Fellow of the American College of Trial Lawyers with broad trial and appellate experience in all aspects of major case litigation, including construction related insurance coverage, particularly relating to business interruption claims.



Hariklia Karis, P.C.

Hariklia Karis is a litigation partner, who concentrates her practice in the areas of commercial litigation, insurance and products liability, including big case construction law disputes.

Industrial Storage High Rise

Kirkland represented the nation’s largest privately-held printing company stemming from a fire caused by the collapse of a 10-story storage facility. A full recovery was obtained. The team also represented the company in related investigations before state and federal regulators in connection with the incident. The work involved a multi-faceted approach: insurance counseling, responses to government agency investigations, dealing with personal injury and wrongful death claims and coordinating with subrogation actions.



Water Retention Storage Tunnel Collapse

A Kirkland team represented a contractor in an insurance claim stemming from a concrete tunnel lining collapse in a deep tunnel project during construction. The collapse occurred following the contractor’s decision to pour the concrete arch first and the invert last, which the insurer considered an uninsurable defective construction procedure. The claim hinged on convincing the court that California law applied and that there was a basis for coverage. Kirkland obtained a favorable settlement as jury selection was about to begin.

“Very experienced practice and very effective in understanding the strategy for effective and positive resolution from the standpoint of the company. They know the terrain, know the courts very well and have an excellent work product.”

—Chambers USA, 2014



Robert S. Ryland

Robert Ryland is a partner with more than 20 years of experience in government-funded projects including government contract litigation, counseling and defense of enforcement actions in the construction industry. For example, he successfully prosecuted high value claims for a Fortune 100 contractor based on changes and delays on the Boston “Big Dig” project.



Mark Filip

Mark Filip, a partner in both the Chicago and Washington, D.C. offices, leads the Firm’s Government, Regulatory & Internal Investigations group. He counsels a wide-array of Fortune 500 clients on the adequacy of their internal controls and compliance regimes concerning issues such as the FCPA and related anti-bribery laws, OFAC, AML, and data privacy regimes.

“A go-to firm. A class act.”

—Chambers USA, 2014

“A litigation powerhouse.”

—Chambers USA, 2014

Nuclear Case Litigation

Kirkland represented a large public utility company in federal court against contract and tort claims arising from improper design of the containment for a nuclear power plant project under construction. The Kirkland team handled the summary jury trial and subsequent favorable settlement. The team also helped resolve significant construction related claims arising out of the delay, as well as quality assurance problems that created substantial cost overruns. Building on this experience, Kirkland undertook representations of a host of other utility owners with design and construction related complaints at their nuclear facilities.

Airport Terminal Litigation

Kirkland defended a joint venture that designed a city-owned international airport terminal in a high-value claim. The city contended that there were flaws in the design and that during the administration of the construction, phase delays and extra costs were incurred because of interferences in the HVAC systems and various architectural and structural elements. The team negotiated a complex settlement between the city and the joint venture design partners.



“They’re excellent, very competent and extremely responsive. Their litigation reputation is tremendous, justifiable and well deserved.”

—Chambers USA, 2014



Chris Colbridge

Chris Colbridge, a litigation and arbitration partner in London, leads a deep bench of talented lawyers that provide critical support in the international construction law practice.



Rajinder Bassi

Rajinder Bassi is a partner in the international litigation and arbitration group in London, and she is listed as a leading international arbitration lawyer in Chambers UK 2015.

Massive Office Building Project Case

Kirkland defended a prominent architect and engineering firm against breach of contract claims in connection with a massive petroleum company office complex in Doha, Qatar. Counterclaims in the case involved faulty cost estimating, MEP design and construction administration. The team’s motions for summary adjudication and hearings led to a successful settlement.



Kamran S. Bajwa

Kamran Bajwa is a partner experienced in the law of the Middle East from his prior practice there. He is fluent in Arabic and provides a unique addition to the construction law practice.

Ballpark Business Interruption Claim

Kirkland represented a major league baseball club in connection with a business interruption insurance claim relating to a year-long delay in opening its ballpark because of a crane collapse. The team successfully settled the claims during the investigation stage.

September 11 Worker Cases

As defense liaison counsel, Kirkland played a key role in the mass tort litigation based on claims brought by workers who performed repair, cleanup and other work to buildings damaged in the September 11th terror attacks. Under a federal statute passed after those attacks, thousands of cases, filed against hundreds of defendants, were consolidated in a single docket in the federal court, resulting in Kirkland defending more than 400 individual claims for one building owner alone.



Construction Contracts

Kirkland's Construction Law Practice Group has advised on contracts for a wide variety of projects, including the recent Panama Canal expansion, the Freedom Tower in New York, the Burj Khalifa Tower in Dubai, the Chicago Trump Tower, National Materials Bio-refinery Projects in both Indonesia and the U.S., Airport Support Facilities in Puerto Rico, the Jin Mao Tower in Shanghai, the Canary Wharf development project in London and a host of others.

Government Contracts

The Government Contracts lawyers at Kirkland provide knowledge and experience in all aspects of doing business with the government and all phases of the federal procurement process. The team has represented a wide variety of construction, national defense, manufacturing, health care and professional services companies in bid protest challenges and contract awards, contract performance issues and negotiation and litigation of contract disputes involving government claims, teaming agreements and subcontracts. Areas of expertise include a wide spectrum of federal regulations, buy American/domestic preference laws, trade restrictions and export control laws, anti-bribery laws, ethical restrictions, government audits and responses to federal subpoenas and Inspector General reviews.

FCPA

The Foreign Corrupt Practices Act (FCPA) practice at Kirkland counsels clients regarding the various restrictions imposed by the FCPA on U.S. citizens, companies and issuers, including their affiliates and subsidiaries, in connection with their business activities outside the United States, and represents clients in related government enforcement actions. Kirkland has one of the largest FCPA teams in the world, and it includes the largest Asia-based team of any U.S. law firm. Kirkland's highly ranked FCPA lawyers lend their expertise to the Construction Law Practice Group, offering first rate claims defense, internal investigations, due diligence review, counseling and compliance work.

ACCOLADES

Best Lawyers in America: Construction
— *U.S. News Media Group and Best Lawyers, 2015*

Recognized for “outstanding service” in Construction Litigation
— *The Legal 500, 2014*

The Fearsome Foursome: The Most-feared Firms in Litigation
— *Litigation Outlook, BTI, 2014*

Most-decorated Firms
— Litigation Power Rankings, *The American Lawyer*, 2014

General Commercial Firm of the Year
— *Benchmark Litigation, 2014*

Best Firms: Dispute Resolution
— *Chambers UK, 2014*

Named a FCPA Powerhouse
— *Law360, 2013*

Top Honors FCPA Trailblazers
— *Best FCPA Lawyers Client Service Awards, Main Justice, 2013*

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