



John R. Heisse II

Partner

Described as "possibly the number-one construction lawyer of his generation" (*The US Legal 500*, 2008), John Heisse's practice focuses on serving the construction industry, representing domestic and international builders, owners, developers and designers in every phase of public and private construction, from initial planning through dispute resolution. Mr. Heisse is Co-Chair of Howrey's Construction practice and was Chair of the practice that received the prestigious 2008 *Chambers Award of Excellence for Construction* at his previous firm.

John R. Heisse II

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ADMISSIONS

California
 District of Columbia
 Maryland

EDUCATION

University of California, Hastings
 College of the Law (JD, 1980),
*Order of the Coif, Thurston Honor
 Society*

*Hastings Constitutional Law
 Quarterly*, Senior Editor

Catholic University of America
 (B.Civil Engineering, 1976), *Tau
 Beta Pi*

Mr. Heisse has long been recognized as a leading construction attorney in *Chambers USA Guide to America's Leading Business Lawyers, Who's Who Legal, Legal 500* and *Best Lawyers in America*. In 2009, he was named one of the "Top 100 Lawyers in Northern California" by *Law and Politics Magazine*. He is a Fellow in the American College of Construction Lawyers and a former Chair of the ABA Forum on the Construction Industry. He currently serves on the national board of the ACE Mentor Program and is a member of the Executive Board of The Catholic University of America School of Engineering, his alma mater.

REPRESENTATIVE MATTERS

- *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 (Panama City, Panama).
- *Solar Electric Generating Facilities System (SEGS)*. Represented BOM contractor in arbitration of a dispute with the developer of the first segment of the nation's largest solar field. The dispute involved the failure of the solar field to achieve warranted production efficiencies, which resulted in a dramatic reduction of power generated. Since the payment for O&M services was pegged to power generated, this underperformance resulted in significant operating losses for the contractor. The arbitration involved complex engineering issues of thermodynamics and energy conversion (Mojave Desert (Daggett), California, United States).
- *Citizens Bank Ballpark*. Represented a general contractor for the construction of the home of the Philadelphia Phillies in the resolution of subcontractor claims for delay, disruption and extra work. The claims

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of all but one subcontractor were resolved amicably; shortly before the commencement of trial for the remaining dispute, the parties agreed to transfer the dispute from the local trial court to a private arbitration proceeding before agreed-upon neutral arbitrators. The case was successfully resolved through a multi-week arbitration (Philadelphia, Pennsylvania, United States).

- *St. John's Health Center*. Represented a general contractor and its surety during construction of a roughly \$200 million central plant and inpatient building. Worked closely during construction with the contractor's team to identify and resolve disputes where possible, and ultimately settled close-out disputes with the owner, designers, construction manager and dozens of subcontractors. Also represented the completing surety in a trial against the controls subcontractor and an arbitration with the MEP designer (Santa Monica, California, United States).
- *Commerce Club Hotel and Casino*. Represented a general contractor and its surety in developing and resolving claims for additional scope, alleged defects, delay and disruption between the contractor and the owner as well as between the contractor and dozens of subcontractors. Successfully resolved all claims prior to commencement of trial (Commerce, California, United States).
- *Honolulu Rapid Transit (HART)*. Represented the city and county of Honolulu in litigation with a contractor following the cancellation of a planned \$2.2 billion rapid transit system after the initial phase of project development had been performed (Honolulu, Hawaii, United States).
- *Desalinated Water Pipeline Failure*. Represented an EPCM contractor in ICDR arbitration with an owner after the catastrophic failure of the internal lining in over 100 miles of water pipeline (Santiago, Chile).
- *Sky Valley Project*. Represented a large Japanese home builder in arbitration of a complex construction dispute involving landslide repair and civil engineering work at a large, high-end residential and golf course project constructed on seismically active land. This arbitration centered on issues of geotechnical engineering and soils analysis (Vallejo, California, United States).
- *University of California's Mt. Zion Outpatient Cancer Center*. Represented an owner against contractor claims on a multi-prime contract involving 42 trades and construction of a state-of-the-art cancer center. Successfully resolved all issues and closed all contracts without litigation (San Francisco, California, United States).
- *Projects at the University of California, Berkeley and San Francisco*. Represented a public owner in disputes arising on several projects,

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including seismic upgrade projects involving defective design, and disputes with contractors on hospital, student housing, and mixed use facility projects on both the Berkeley and San Francisco campuses (Berkeley and San Francisco, California, United States).

PROFESSIONAL AFFILIATIONS

- Fellow, American College of Construction Lawyers
- Chair, American Bar Association, Forum on the Construction Industry (2003–2004)
- Chair-Elect, American Bar Association, Forum on the Construction Industry (2002–2003)
- Publications Chair, American Bar Association, Forum on the Construction Industry (2001–2002)
- Member, Governing Committee, American Bar Association, Forum on the Construction Industry (1998–2001)
- Chair, Division 4: Construction Management, Design/Build and Related Concepts, American Bar Association, Forum on the Construction Industry (1995–1997)
- Chair, Public Contract Law Section, Construction Claims Committee, American Bar Association (1998–1999)
- Vice Chair, Public Contract Law Section, Construction Claims Committee, American Bar Association (1995–1997)
- Fellow, American Bar Foundation

COMMUNITY SERVICE

- Executive Board, Catholic University of America, School of Engineering, 2007 to present
- Mediator, San Francisco Bar Association Early Settlement Program, 2004 to present
- National Board Member, ACE Mentor Program, 2007 to present
- Board Member, Legal Community Against Violence, 1994 to 2009; Chair, 1994 to 1997

PUBLICATIONS & SPEAKING ENGAGEMENTS

BOOKS

The Design/Build Deskbook. ABA Forum on the Construction Industry (2004). Editor (2d Ed. 2000, 3d Ed. 2004).

State and Local Construction Contracting Source Book. ABA Public Contracts Law Section (2002). Pacific States Editor.

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The Design/Build Process. ABA Forum on the Construction Industry (1997). Editor.

California Construction Law. Federal Publications (1995). Co-author (Rev. Ed.).

AGCC Handbook of California Construction Law. Associated General Contractors of California (1991). Co-author.

SPEECHES

"Attracting and Retaining a Diverse Workforce." Associated General Contractors of California (2008).

"Risk Allocation in Standard Form Agreements: Who's the Fairest of Them All?" ABA Forum of the Construction Industry (2006). Moderator.

"Forensic Scheduling and the As-Built Delay Analysis." Construction Superconference (2006). Panelist.

"Construction Law for Accountants." California CPA Foundation (2004).

"Best Value Procurement and Other Alternatives to the Lowest Responsible Bidder." Associated Builders and Contractors (2001).