



**Paul W. Berning**

Partner

Paul Berning's practice focuses on resolution of construction disputes involving terminations for default; claims for extra work, delay, disruption, lost efficiency; defective work; financing; non-payment; mechanic's liens, stop notices, payment bonds, lien priority and Miller Act claims; enforcing international arbitration awards; unfair business practices; and bid protests.

Mr. Berning's experience also includes counseling clients on contractor licensing, design professional registration, design-build licensing issues, deal structuring and technology issues.

Mr. Berning's projects have included the Eurotunnel, the Fillmore Center in San Francisco (11-building mixed use re-development project), power plants, dams, process plants, pipelines, paper mills, wastewater plants, airports, port, housing, wind farms, and bridges. Mr. Berning has international experience including projects in the United Kingdom, France, New Zealand, Ecuador, Dubai and Spain.

Mr. Berning has been Editor in Chief for ConstructionWebLinks.com, an Internet portal for the construction, engineering, architecture and project industries, since 1999.

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**ADMISSIONS**

California

**EDUCATION**

University of San Francisco  
School of Law (JD, 1986), *with honors*

University of Missouri (Bachelor of Journalism, 1970)

**COURTS & ADJUDICATIVE BODIES**

- United States Supreme Court
- United States Court of Appeal for the Ninth Circuit
- United States Court of Appeals for the District of Columbia Circuit
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States Court of Federal Claims

**PROFESSIONAL AFFILIATIONS**

- American Bar Association, Forum on the Construction Industry
- Bar Association of San Francisco
- Commonwealth Club of California
- International Bar Association
- Former Member, Building Code Task Force, International Council of

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### Shopping Centers

- International Diplomacy Council of San Francisco
- World Affairs Council of San Francisco

### PRO BONO

- Conceived, managed Thelen, Marrin, Johnson & Bridge's LAMP (Legal Assistance for Military Personnel) program during Gulf War, 1991-1992.
- Manager of Thelen, Marrin, Johnson & Bridges' legal clinic pro bono program, 1988-1991.

### PUBLICATIONS & SPEAKING ENGAGEMENTS

#### ARTICLES

"Complying with Licensing and Registration Laws: A Compliance Checklist." *www.ConstructionWebLinks.com* (April 12, 2004).

"Complying with Licensing and Registration Laws: An Overview, with Case Histories." *www.ConstructionWebLinks.com* (April 12, 2004).

"Software Audits: How Companies Risk Big Penalties for Copying Software." *www.ConstructionWebLinks.com* (March 22, 2004).

"E-Commerce and the Construction Industry: User Viewpoints, New Concerns, Legal Updates on Project Web Sites, Online Bidding and Web-Based Purchasing." *www.ConstructionWebLinks.com* (December 23, 2003).

"Timeliness Crucial When e-Bidding for Federal Contracts, Recent Bid Protests Show." *www.ConstructionWebLinks.com* (October 27, 2003).

"Reconstruction of Iraq: Overview of Contracting Process and Resource Guide." *www.ConstructionWebLinks.com* (April 21, 2003).

"Problems In Enforcing Subcontractor Bids Are Illustrated by Four Recent Cases." *www.ConstructionWebLinks.com* (February 24, 2003).

#### BOOKS

*Proving and Pricing Construction Claims*. Wiley (1990). Chapter 10: "Termination Claims from Owner's and Contractor's Perspective" (Ed. Cushman.).

#### SPEECHES

"E-Construction Management: Is It Just Glamour and Glitz." International Bar Association, San Francisco, CA (September 16, 2003).

"Project Websites: A Toolbox for Avoiding and Resolving Disputes."

Paul W. Berning

Construction Superconference, San Francisco, CA (December 13, 2002).

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