



Harold E. Hamersmith

Partner

Los Angeles/Downtown
333 South Hope Street
Forty-Third Floor
Los Angeles, CA 90071

Tel: 213.617.4255
Fax: 213.620.1398
hhamersmith@sheppardmullin.com

PRACTICE AREAS

- Litigation

INDUSTRIES

- Construction and Infrastructure

OVERVIEW

Harold E. Hamersmith is a partner in the firm's Los Angeles office specializing in design and construction contracts, claims, and defects litigation, and public contract law.

Areas of Practice

Construction Contracts, Claims, and Construction Defect Litigation:

Mr. Hamersmith represents public and private owners, contractors, architects, and engineers, in a wide range of contexts: He regularly negotiates, drafts, and advises on contracts (design-build, EPC, construction, architectural and engineering services, construction management services, project control services, procurement of materials and systems, etc.) for commercial, industrial, residential, hospital, school, highway/bridge, railway, transit, hotel, power plant and other projects. He provides advice on public contract bidding laws and disputes, including issues of bidder responsiveness, and on stop notice and lien laws, contract obligations and remedies, performance and payment bonds, issues concerning termination of contracts, etc. as well as advice on Contractors' State License Law issues. His areas of expertise include litigation, arbitration, and mediation of disputes on public and private works involving construction defects, professional liability of architects and engineers, latent and patent defects in real property, strict products liability, extra work claims, changed conditions claims, delay claims, defective work claims, mechanic's liens and stop notice claims, surety bond claims, bid protests, and issues regarding state and federal false claim laws.

Public Contract Law:

Mr. Hamersmith has substantial experience advising contractors, designers, and public agencies on a variety of public law matters, in addition to those summarized above. Advice regarding California Public Records Act and issues related to same. Advice regarding application of state and local building codes and ordinances. Advice regarding R.F.P.'s for engineering and related services, and state laws pertaining to competitive procurement for same. Advice on conflict of interest laws and policies applicable to officials and employees. Advice on various dispute resolution alternatives including arbitration, mediation, required meetings of principals, dispute review boards, etc. Advice on California local-agency dispute resolution statutes. Advice regarding insurance programs and coverages including professional errors and omissions, builder's risk, owner-controlled insurance programs, etc. Advice regarding DBE/MBE/WBE and equal employment opportunity laws, regulations, issues, and contract provisions. Advice regarding federal laws and regulations applicable to grantees of federal funding, including FTA third-party

contracting guidelines, Buy America laws and regulations, Davis-Bacon, F.A.R. requirements on cost and pricing data, etc.

EDUCATION

- J.D., University of Michigan, 1979, *cum laude*
- B.A., University of Illinois, 1976, Phi Beta Kappa

ADMISSIONS

- California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California

HONORS

- Best Lawyers in America, 2008, 2009, 2010
- Southern California's Best Lawyers, *Los Angeles Times' West* magazine, 2008, 2009
- Recommended lawyer, construction law, PLC Which Lawyer

MEMBERSHIPS

- Member, Litigation Section, Committee on Construction Litigation
- Member, Construction Industry Forum Committee, American Bar Association
- Member, Litigation Section and Real Property Law Section, State Bar of California
- Member, Steering Committee of the Construction Law Subsection of the Real Property Section, Los Angeles County Bar Association
- Member, Association of Business Trial Lawyers

ARTICLES

Mr. Hamersmith has authored or co-authored several publications, including the following.

- The Year 2008 in Review: Developments in California Design and Construction Law, Los Angeles County Bar Association, February 2009
- Lost Productivity Claims: New Developments on an Expensive and Tricky Issue, WPL Publishing Company, February 2009
- Can the *Spearin* Doctrine Survive in a Design-Build World: Who Bears Responsibility for Hybrid Specifications?, Journal of the American College of Construction Lawyers, Winter 2008
- The Year 2007 in Review: Developments in California Design and Construction Law, Los Angeles County Bar Association, February 2008
- The Year 2006 in Review: Developments in Design and Construction Law, Los Angeles County Bar Association, February 2007
- The Year 2005 in Review: Developments in Design and Construction Law, Los Angeles County Bar Association, February 2006
- The Year 2002 in Review: Annual Construction Law Update, Los Angeles County Bar Association, February 2003
- The Year 2001 in Review: Annual Construction Law Update, Los Angeles County Bar Association, February 2002

- New Construction Defect Litigation, manual for conference on Avoiding and Resolving Construction Claims, Pepperdine University School of Law, Straus Institute of Dispute Resolution; American Arbitration Association, et al., December 7, 2002
- 2002 Construction Law Update ("Waiver of Consequential Damages in AIA Standard Form Agreements"), Aspen Law Business, 2002
- The Year 2000 in Review: Annual Construction Law Update, Los Angeles County Bar Association, October 2000
- Effective Use of Discovery in Construction Litigation, Conference on California Construction Law, CLE International, April 3, 1997
- Public Works: Contracts and Litigation, Continuing Education of the Bar, California, May 20, 1995
- Update on Mechanics' Lien Issues, Los Angeles County Bar Association, February 9, 1995
- Recent Developments in WBE/MBE/DBE Issues, Los Angeles County Bar Association, 1993
- Effective Discovery in Construction Disputes, Los Angeles County Bar Association, 1993
- Manual, Architect-Engineer Liability Under California Law, Cambridge Institute, 1990

SPEECHES

- Webinar: Lost Productivity Claims: New Developments on an Expensive and Tricky Issue, WPL Publishing Co., February 2009
- Program Chair, Construction Claims in Public Works Projects, CLE International, February 29, 2008
- Ethics and False Claims Act Liability: Current Trends and Problems, CLE International, August 27, 2007
- Annual Construction Law Update, Los Angeles County Bar Association, Construction Law Section, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009
- Electronic Discovery in Construction Litigation, LACBA, 2006
- Effective Discovery in Construction Disputes, LACBA, 1993
- Update on Mechanics' Lien Issues, LACBA, 1995
- What's Happening in the Arena of Architect/Engineer Liability?, LACBA, 1996
- Complex Litigation in the Construction Field, LACBA, 2002
- Recent Developments in WBE/MBE/DBE Issues, LACBA, 1993
- Public Works: Contracts and Litigation, California Continuing Education of the Bar, 1995
- Cambridge Institute seminar on Architect-Engineer Liability Under California Law, 1988-91
- Selected Topics on Alternative Dispute Resolution, Construction Litigation Superconference, 1988
- Effective Use of Discovery in Construction Litigation, CLE International Conference on California Construction Law, 1997
- Hot Topics in Construction Law, Conference on Avoiding and Resolving Construction Claims, 2002 and 2003
- American Arbitration Association/Pepperdine University Conference on Avoiding and Resolving Construction Claims, 2002, 2003