Hal Hamersmith is a partner in the firm’s Los Angeles office specializing in design and construction contracts, claims, litigation, domestic and international arbitration, construction defects and public contract law. Hal is the former Leader of the firm’s Construction Practice and currently serves as Co-Chair of TerraLex’s Construction, Infrastructure & Mining Practice Group.

Areas of Practice

Construction Contracts, Claims, Litigation, and Arbitration:

Hal 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, construction manager at risk, program management, etc.) for commercial, industrial, residential, hospital, school, highway/bridge, airport, railway, transit, hospitality and leisure, including hotels and casinos, power plant and other projects, including Public Private Partnership (PPP) projects. He advises on public contract bidding laws and disputes, including issues of bidder responsiveness, and on stop payment notice and lien laws, contract obligations and remedies, performance and payment bonds, issues concerning termination of contracts, etc., as well as 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, acceleration and disruption claims, defective work claims, mechanic’s liens and stop payment notice claims, prompt payment penalties, surety bond claims, bid protests, equipment failures, Uniform Commercial Code rights and remedies and issues regarding state and federal false claim laws.
Public Contract Law:

Hal has substantial experience advising contractors, designers and public agencies on a variety of public law matters, in addition to those summarized above. Advice regarding FOIA and California Public Records Act and issues related to same. Advice regarding application of state and local building codes and ordinances. Advice regarding RFP’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, project neutrals, and other mid-contract mechanisms. Advice on California local-agency dispute resolution statutes. Advice regarding insurance programs and coverages including general liability, professional errors and omissions, builder’s risk, owner’s protective professional indemnity, owner-controlled insurance wrap 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.

Real Estate Litigation:

Hal has handled a variety of real estate-related litigation, including lease disputes, purchase-sale agreement disputes, including issues regarding required disclosures, and broker/realtor issues.

Honors

Best Lawyer in America, Best Lawyers, 2008-2019
Lawyer of the Year - Construction, Best Lawyers, 2017
Top leading construction lawyer, Chambers & Partners’, 2011-2014
Construction & Projects Handbook (1st, 2nd and 3rd editions), Leading Construction Lawyer
Southern California's Best Lawyers, 2008-2014
Recommended lawyer, Construction Law, PLC Which Lawyer? 2009-2013

Articles

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


The Year 2012 in Review: Developments in California Design and Construction Law, Los Angeles County Bar Association, February 2013

The Year 2011 in Review: Developments in California Design and Construction Law, Los Angeles County Bar Association, February 2012

The Year 2010 in Review: Developments in California Design and Construction Law, Los Angeles County Bar Association, February 2011


The Year 2009 in Review: Developments in California Design and Construction Law, Los Angeles County Bar Association, February 2010

The Year 2008 in Review: Developments in California Design and Construction Law, Los Angeles County Bar Association, February 2009


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

The Year 2000 in Review: Annual Construction Law Update, Los Angeles County Bar Association, October 2000

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

Effective Use of Discovery in Construction Disputes, Los Angeles County Bar Association

Effective Use of Discovery in Construction Litigation, Conference on California Construction Law, CLE International, 1997

Public Works: Contracts and Litigation, Continuing Education of the Bar, California, 1995

Update on Mechanics’ Lien Issues, Los Angeles County Bar Association, 1995

Recent Developments in WBE/MBE/DBE Issues, Los Angeles County Bar Association

**Speaking Engagements**

Green Building: Legal and Regulatory Realities, The Seminar Group, March 2011


Program Chair, Construction Claims in Public Works Projects, CLE International, February 29, 2008


Electronic Discovery in Construction Litigation, LACBA, 2006

Effective Discovery in Construction Disputes, LACBA

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

Public Works: Contracts and Litigation, California Continuing Education of the Bar, 1995

Cambridge Institute seminars on Architect-Engineer Liability Under California Law

Selected Topics on Alternative Dispute Resolution, Construction Litigation Superconference

Effective Use of Discovery in Construction Litigation, CLE International Conference on California Construction Law, 1997

Hot Topics in Construction Law, American Arbitration Association/Pepperdine University, Conference on Avoiding and Resolving Construction Claims, 2002 and 2003

**Memberships**

Co-Chair, Construction, Infrastructure & Mining Practice Group, TerraLex

Member, Board of Trustees, Craft & Folk Art Museum (CAFAM), Los Angeles

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