

John W. Ralls
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John Ralls is a trial attorney who specializes in construction claims, disputes, and counseling. He spent over 20 years with major national firms (including Thelen LLP and Howrey LLP) where he built a broad construction and government contracts practice. He represents owners, design professionals, general contractors, subcontractors, equipment suppliers, and construction managers in trials, arbitrations, mediations, and negotiations. He also provides contract, dispute, and licensing advice before, during, and after construction projects. He has provided these services on a variety of projects, including commercial buildings, convention centers, wind energy projects, hospitals, civil works, military installations, and industrial facilities. He has represented clients in trials, arbitrations, and mediations, throughout the United States, and has tried or arbitrated cases in California, Nevada, Washington DC, Virginia, Texas, and Hawaii.

John Ralls has been listed as a Northern California Super Lawyer by San Francisco Law & Politics Magazine for the last seven years. He is also a past Chair of the California Associated General Contractors Legal Advisory Committee.

He is a frequent writer and speaker on construction law topics. In 2013, he completed the editing (with Frank Elmore and Lauren Catoe) of the Second Edition of *Fundamentals of Construction Law* (published in 2012 by the American Bar Association). He was the Editor (2008-2012) and was the Associate Editor (2004-2008) of *Construction Lawyer*, the quarterly law journal of the ABA Forum on Construction Law.

He is married and the father of two. He enjoys cooking and playing tennis with his family.

Education

University of California, Berkeley, School of Law (formerly Boalt Hall) (JD, 1990)
University of California, Berkeley (AB, 1987), *Phi Beta Kappa*

Prior Work Experience

Pettit & Martin, Associate 1990-1994
Thelen LLP (and predecessors), Associate 1994-1997, Partner 1998-2008
Howrey LLP, Partner 2008-2011

Court & Boards

- United States Court of Appeals for the Federal and Ninth Circuits
- California District Court of Appeal
- United States District Court for the Northern, Central, and Eastern Districts of California
- Superior Court of the State of California (multiple counties)
- United States District Court for the Western District of Tennessee (*pro hac vice*)
- United States District Court for the District of Arizona (*pro hac vice*)
- United States District Court for the District of Delaware (*pro hac vice*)
- Circuit Court of Hawaii (*pro hac vice*)
- Circuit Court of Virginia (*pro hac vice*)
- District Court of Harris County, Texas (*pro hac vice*)
- American Arbitration Association
- International Chamber of Commerce
- Armed Services Board of Contract Appeals
- Civilian Board of Contract Appeals (and its predecessor, the GSBICA)

Representative Engagements

Tried a \$20 million delay, and claim brought by a prime trade contractor arising out of a university building.

Tried a termination for convenience claim governed by the Federal Acquisition Regulation.

Prosecuted a \$50 million construction defect case on behalf of a public university system.

Litigated a multi-million dollar differing site condition and delay claim for a private contractor against Caltrans.

Tried a complex delay claim arising out of a military airport expansion.

Represented the general contractor on a high rise federal office building in California, prosecuting a \$50 million delay and disruption claim against the government and defending multiple subcontractor lawsuits.

Drafted and negotiated EPC contract for an offshore media manufacturing facility.

Prosecuted delay, disruption, and extra work claims on behalf of a general contractor on new convention center. Obtained imposition of evidentiary sanctions against project owner for destruction of evidence. See *Clark Constr. Group v. City of Memphis*, 229 F.R.D. 131 (W.D. Tenn. 2005).

Arbitrated design defect claims arising out of a seismic renovation of a hospital in Southern California.

Recovered millions of dollars on behalf of environmental contractor for hazardous materials clean-up work after Hurricane Katrina.

Arbitrated claims for payment for extra work and schedule and productivity bonuses on behalf EPC contractor following the renovation of an ethanol plant.

Tried on behalf of a design-build contractor a design delay claim arising out of a munitions maintenance facility for the U.S. Air Force (with W. Samuel Niece). See *Appeal of ADT Construction Group, Inc.*, 09-2 BCA ¶134,200 (ASBCA 2009).

Ongoing construction contract and strategic advice for trade contractors.

Obtained summary judgment for developer of Northern California office building in multi-party construction defect litigation.

Developed and mediated design defect claims on behalf of a wind turbine manufacturer performing as EPC contractor.

Prosecuted construction defect claims on behalf of a developer of a multi-unit office complex in Northern California.

Represented construction manager at risk on convention center renovation and expansion project in the Southwest, including preparation and negotiation of delay and disruption claims.

Multi-state contractor and design professional licensing advice to various companies.

Professional Affiliations

- American Bar Association, Forum on Construction Law
- Associated General Contractors of California, Legal Advisory Committee, Chair, 2004 and Vice Chair, 2003.

Publications

Construction Defects: Theories of Liability and Statutes of Repose, Ch. 11 of California Construction Contracts, Defects, and Litigation (co-author of annual updates with William Hale) (CEB 2013-present).

Fundamentals of Construction Law, 2nd Edition (Co-Editor, with L. Franklin Elmore and Lauren E. Catoe), published by ABA Forum on Construction Law (2013).

“Discovery and Use of Accounting Information and Experts in Construction Litigation and Arbitration,” in *Construction Accounting* (ABA 2010). Co-authored with Colin A. Johns.

“Government Bid Protests,” in *Construction Checklists: A Guide to Frequently Encountered Construction Issues* (ABA 2008). Co-authored with W. Samuel Niece.

“Complying with Licensing and Registration Laws,” in *Construction Checklists: A Guide to Frequently Encountered Construction Issues* (ABA 2008). Co-authored with Paul W. Berning.

“How to Avoid Delays and Delay Claims on Wind Power Projects,” North American Windpower (2005).

Speeches and Webinars

Schedules and Time Impact Issues: Changes and Differing Site Conditions," ABA Forum on Construction Law, Fall Regional Meeting, Learning from the Pros (2016).

“You Can’t Take My Equipment (Non-Traditional Construction Law Remedies),” presented at the Annual Meeting of the ABA Forum on Construction Law (with James H. Landgraf) (2015).

“The Fundamentals of Construction Law” (Co-Chair, with Melissa A. Beutler and Lisa Colon Heron), ABA Forum on Construction Law (2013).

“Infrastructure: Civil Works Projects for Lawyers” (Regional Coordinator for San Francisco Program, with Ben Patrick), ABA Forum on Construction Law (2012).

“California Construction Payment Remedies” (with W. Samuel Niece), Lorman Seminars (2010).

“Construction Documentation: Preparing Effective Job Records” (with Clark Thiel), Lorman Seminars (2010).

“Post Construction Claims” (with Bruce Gerhardt), Lorman Seminars (2009).

“Changes and Differing Site Conditions,” Contracts Program of the ABA Forum on the Construction Industry (2008).

“New AIA Documents,” Lorman Seminars (2008).

“California Mechanics Liens and Other Construction Law Remedies,” Lorman Seminars (2007).

“A Comprehensive Guide to Resolving Construction Disputes in California,” Lorman Seminars, (2003).

“E Tools: Time For a Legal Check-Up,” Engineering & Construction Contracting Conference, American Institute of Chemical Engineering (2002).

“Contractor Documentation During the Job to Support Claims,” Various Groups (2001).

“Legal Aspects of Web Based Project Controls and Electronic Documents,” Western Council of Construction Consumers (2001).

“Making, Defending and Winning Construction Claims for Contractors and Owners,” in association with BNi Publishing (2000–2001).

“Resolving Construction Disputes – Litigation, Arbitration and Mediation,” in association with BNi Publishing (2000–2001).