
ABOUT THE AUTHORS

Keith Bruett (Chapter 7) is a partner at Quarles & Brady in the Milwaukee, Wisconsin, office. He devotes a significant portion of his practice to counseling and representing policyholders in connection with insurance coverage disputes. Mr. Bruett is the current chair of the firm's professional liability litigation practice and is a past co-chair of the firm's insurance recovery practice. He earned his law degree at Marquette University, where he graduated *summa cum laude*.

Dennis C. Cavanaugh (Chapter 9) is a partner with Robinson & Cole LLP in its Hartford, Connecticut, office, where he practices in the areas of construction and commercial law. He counsels public and private building owners, tenants and lenders, building contractors, design professionals, subcontractors, and sureties. Mr. Cavanaugh's experience spans over 25 years in his handling of complex transactions that often involve construction finance, contract procurement, and negotiation, as well as commercial-related litigation and alternative dispute resolution. He serves as chair of Robinson & Cole's Construction Law Practice Group and has served as past-president of the Connecticut Bar Association's Construction Law Section. He is a member of the Forum on the Construction Industry and the Tort Trial and Insurance Practice Section of the American Bar Association. Mr. Cavanaugh is a member of the Connecticut and Massachusetts bar associations. He currently serves on the Connecticut Construction Advisory Committee for the American Arbitration Association, Commercial Panel of Neutrals. Mr. Cavanaugh has lectured and authored articles on a variety of construction and suretyship topics. He was recognized by *Best Lawyers in America* 2011 in the area of construction law.

Ryan K. Cochran (Chapter 2) is a partner with Waller Lansden Dortch & Davis, LLP, in its Nashville, Tennessee, office, where he concentrates his practice in the areas of corporate restructuring, financial services, and construction law. Mr. Cochran's involvement in the area of construction law includes the representation of owners, developers, construction lenders, and contractors in both public and private sector projects. He is certified as a leadership in energy and environmental design accredited professional (LEED® AP) by the Green Building Certification Institute and is a member of the American Bar Association's Forum on the Construction Industry Division 12 (Owners and Developers). Mr. Cochran received his undergraduate degree from Auburn University in 1997. He graduated from Cumberland School of Law at Samford University in 2000, where he served as editor-in-chief of the *Cumberland Law*

Review. From 2000 to 2001, Mr. Cochran served as a law clerk to the Honorable Sharon Lovelace Blackburn, U.S. District Court for the Northern District of Alabama.

Jeffrey Davis (Chapter 7) is a partner in Quarles & Brady's Milwaukee, Wisconsin, office. He devotes a substantial portion of his practice to advising policyholders and representing them in insurance coverage disputes, with a particular focus on environmental, asbestos, and other "progressive injury" coverage actions, as well as construction coverage disputes. He is the current chair of the firm's insurance recovery group and is a past chair of the Appellate Practice section of the State Bar of Wisconsin. Mr. Davis writes and speaks frequently on a wide variety of topics concerning insurance coverage and related matters. He received his law degree from The Ohio State University in 1987.

David T. Dekker (Chapter 1) is a partner in the Washington, D.C., office of Pillsbury Winthrop Shaw Pittman LLP. His experience includes actions at the trial and appellate levels involving complex insurance coverage disputes, construction claims, and other commercial matters. In the area of complex insurance coverage, Mr. Dekker has handled numerous claims involving builders risk, commercial general liability, professional, pollution, commercial property, employment practices liability, business interruption, marine, and other policies. In the area of construction, he has handled claims arising out of catastrophic occurrences on construction projects, as well as claims involving construction defect, delay, total cost, design, mold, exterior insulation and finish systems, Chinese drywall, defective products, and other issues. Mr. Dekker also routinely advises clients concerning insurance and risk management issues. This includes the structuring of corporate risk transfer programs, as well as advice concerning individual projects, transactions, and other non-litigation matters. His risk management clients include numerous companies on *Engineering News Record's* list of the country's 100 largest contractors, as well as real estate developers, private equity funds, large engineering firms, and major homebuilders. *The Legal 500* named Mr. Dekker as one of eight leading construction lawyers nationwide. He has also been named as one of the country's leading construction attorneys by *Chambers USA* and by *The Best Lawyers in America*, and was named in *The Washington Post's* list of "Washington, DC's Best Lawyers."

Christopher S. Dunn (Chapter 2) is a partner with Waller Lansden Dortch & Davis, LLP, in its Nashville, Tennessee, office, where he concentrates his practice on construction disputes and transactions. In that capacity, Mr. Dunn represents owners, developers, construction lenders, and contractors in both public and private sector projects. He has been a contributing author to two

books published by the American Bar Association's Forum on Construction: *Construction Checklists: A Guide to Frequently Encountered Construction Issues*, in which he authored a chapter concerning the representation of construction lenders; and the second edition of *The Construction Contracts Book*, for which he coauthored the chapter on step negotiation. Mr. Dunn has served on the Steering Committee of the Forum on Construction's Division 12 (Owners and Developers) since 2007, and in 2010 he was selected by the American Arbitration Association for its construction neutrals panel. Mr. Dunn received his undergraduate degree from Villanova University in 1991 and graduated from the University of Tennessee College of Law in 1994.

Terry J. Galganski (Chapter 11) is Director, Commercial/Legal-Risk Management for Cardno USA, Inc., which, along with several affiliated U.S. companies, is a part of Cardno, Limited, an Australian-based global engineering and consultancy firm. He is located in its Portland, Oregon, office, where his responsibilities include providing legal and commercial counsel regarding corporate structures, registrations and business transactions, mergers and acquisitions, and intellectual property protection strategies; assisting in the management of the corporate insurance program; overseeing the company's claims; and providing risk management oversight, education, and training. Prior to joining Cardno USA, Mr. Galganski was president of Opportune Risk® Bridging, LLC, an integrated risk management consulting business, Director of Insurance & Risk Programs for The Weitz Company, LLC, a large general contractor, and Risk Manager and legal counsel in several capacities at Jacobs Engineering Group Inc. and Sverdrup Corporation, two large engineering firms. During his 25 years of construction industry experience, he has written numerous published articles and has spoken at many national and local conferences on various construction risk management topics. Mr. Galganski received his B.A. from Northwestern University and his J.D. from St. Louis University School of Law. His Associate in Risk Management (ARM) designation was secured from the American Institute for Chartered Property Casualty Underwriters and the Insurance Institute of America.

Michael D. Hastings (Chapter 10) is a Managing Director in the U.S. Construction Practice of Marsh Inc. He has served as consultant, broker, and client executive for clients including private and public owners, civil, commercial and engineering procurement, and construction contractors, design-builders, and development firms. He has designed, marketed, and managed owner- and contractor-controlled insurance programs for commercial and civil projects comprising over \$40 billion in construction values. Prior to joining Marsh, Mr. Hastings spent ten years with the Travelers Insurance Company, holding positions of underwriter, marketing representative, and regional financial officer. He is a member of the Insurance Subforum of the BIMForum and the

founder and president of the Maynard Spence Foundation for Construction Safety Education. Mr. Hastings is a graduate of Northwestern University, where he received a B.A. in economics in 1984.

Jenna Kirkpatrick Howard (Chapter 1) currently acts as the construction practice leader for the Chesapeake Region for Wells Fargo Insurance Services. In addition to her focus in construction risk management, she is the client executive on a specialized group of clients. Ms. Howard received her degree in Business Administration with a Concentration in Risk Management/Insurance and a minor in Mathematics from the University of North Carolina Charlotte. In her current role, she has placed and administered wrap-up programs for over \$1.5 billion of construction values, organized complex property and builders risk programs, and developed a broad understanding of numerous risk management placements. In addition to insurance brokerage, Ms. Howard has taught several seminars on risk management topics and provided construction consulting services for clients including feasibility studies, resource allocation, wrap-up pro formas, cash flow analysis, and accrual projections. She began her career with Allstate Insurance as a claims customer service representative. In 2000, she joined TransAmerica Reinsurance in actuarial research and study under the Chief International Actuary. In January 2002, Ms. Howard joined the Charlotte office of Palmer & Cay, where she worked on the office's largest book of property and casualty business focusing on private equity and hedge fund clients. She transferred to the Washington, D.C., office of Wells Fargo Insurance Services in 2005.

John L. Hunt (Chapter 9) is a Senior Vice President of and the Chief Legal Officer for the Construction and Design Development Division of Forest City Ratner Companies, a New York real estate development company and subsidiary of Forest City Enterprises, Inc. Mr. Hunt negotiates and drafts agreements for construction, construction management, architecture, engineering, and other professional services, and advises the company on insurance and risk-transfer issues, including implementation of owner-controlled insurance programs, property, environmental and other types of insurance, and surety bonds. He also oversees litigation relating to and arising from construction. Mr. Hunt is a member of the New York County Lawyers' Association Construction Law Committee, and his prior experience includes acting as an Assistant Corporation Counsel with the New York City Law Department, Office of the Corporation Counsel from 1995 to 2001, where he litigated construction and other commercial disputes on behalf of the city and its agencies. He was in private practice from 2001 to 2004 representing owners, developers, institutional clients, and design firms.

Amy Hobbs Iannone (Chapter 10) is Deputy General Counsel and Director of Risk Management for Barton Malow Company. She received her Bachelor of Arts degree from Indiana University-Bloomington, her J.D. from Santa Clara University School of Law, and her Masters of Corporate and Finance

Law (L.L.M.) from Wayne State University Law School. Upon graduation from Santa Clara University, Ms. Iannone served as a law clerk in the U.S. District Court for the Northern District of California and subsequently went into private practice for several years, where she handled many insurance coverage matters. Since joining Barton Malow in 2000, she has participated in the review and procurement of numerous project-specific and controlled insurance programs, both owner-sponsored and contractor-sponsored, with construction values well in excess of \$1 billion. Ms. Iannone currently serves as a steering committee member of Division 5 of the ABA Forum on the Construction Industry and also serves as a member of the Associated General Contractor's Construction Risk Management steering committee. She serves on the council of the Michigan Bar's Insurance and Indemnity Law section.

David G. Jordan (Chapter 6) has been an associate with Saxe Doernberger & Vita, P.C. since March, 2004. Prior to joining SDV, he worked for a general practice firm in New Britain, Connecticut, concentrating in the areas of consumer and commercial collections, real estate, personal injury, and health care law. Mr. Jordan now focuses his practice on complex insurance coverage litigation. He has had extensive involvement in the areas of construction defect claims, third-party liability claims, first-party property disputes, and environmental coverage issues.

Jocelyn Knoll (Chapter 8) is a partner in the Minneapolis, Minnesota, office of Dorsey & Whitney LLP, where she concentrates her practice in construction, insurance, and surety law. She represents owners, developers, and contractors on litigation, risk management, contract, insurance, and business-related matters. Ms. Knoll obtained her undergraduate degree from the University of New Hampshire and her law degree, *magna cum laude*, from William Mitchell College of Law. She served as chair of the Minnesota State Bar Association's Construction Section and is a member of the ABA Construction Law Section.

Melissa C. Lesmes (Chapter 1) is a partner at Pillsbury Winthrop Shaw Pittman LLP in Washington, D.C., and a member of the firm's construction and insurance recovery practices. She specializes in complex civil litigation in both state and federal courts, with an emphasis on insurance coverage disputes, construction claims, and product liability actions. Ms. Lesmes has substantial experience in construction defect litigation, having handled claims involving delay, total cost, design, defective products, mold, exterior insulation and finish systems, and Chinese drywall throughout the United States. She also has substantial experience in complex insurance coverage litigation, especially in claims involving builders risk, commercial general liability, professional, pollution, commercial property, and other policies. Ms. Lesmes also routinely represents clients in contract negotiations and advises clients concerning insurance and risk management issues that arise outside of litigation. This includes the structuring of risk transfer programs for contractors, real estate developers, private equity funds, and major homebuilders. She has

been recognized by *Chambers USA* as an outstanding attorney in her field. Ms. Lesmes received her undergraduate degree from Duke University, *cum laude*, and her law degree from the William & Mary School of Law.

Julie A. Lierly (Chapter 6) is a partner at Kilpatrick Townsend & Stockton LLP and focuses her practice on commercial litigation with an emphasis on insurance coverage disputes on behalf of policyholders. Ms. Lierly has more than 13 years of experience in representing policyholders in insurance coverage matters, related indemnity matters, and other commercial disputes. She has helped clients recover insurance proceeds through negotiation, mediation, and other forms of alternative dispute resolution and litigation throughout the United States. She has handled a broad range of insurance coverage disputes involving commercial general liability policies, excess policies, directors and officers policies, builders risk policies, construction-related specialty policies, property insurance, professional and other liability insurance, bond insurance, and employee insurance. Ms. Lierly has had extensive experience dealing with a variety of claims including so-called “construction defect” claims, property damage claims, “errors and omissions” claims, product liability claims, environmental claims, and asbestos, silica, and other “toxic tort” claims. She also has handled numerous disputes involving allocation, “additional insured,” “other insurance,” “priority of payments,” and “bad faith” issues. She earned her J.D. from Drake University (1995) and her undergraduate degree from the University of Illinois (1992). She is admitted to practice in Iowa, Illinois, and Georgia.

Michael McNamara (Chapter 12) is a partner at Pillsbury Winthrop Shaw Pittman LLP in Washington, D.C. His practice focuses on construction litigation. He has handled major trials of multimillion-dollar construction disputes and has represented owners, contractors, and construction managers in many other cases successfully resolved in settlement. Mr. McNamara’s experience includes delay and impact claims, extra work claims, non-payment claims, and defective construction claims. Many of his cases have involved complex engineering and construction issues. He has also represented clients in alternative dispute resolution, including both mediation and arbitration. Mr. McNamara is admitted to practice in Washington and the District of Columbia, and he holds degrees from Duke University (A.B. 1994) and Washington University School of Law (J.D. 1998).

Michael Mostow (Chapter 7) is a partner at Quarles & Brady in its Chicago office, where he concentrates his practice in the areas of environmental law and the recovery of insurance proceeds for policyholders. Mr. Mostow represents clients in environmental enforcement actions, complex transactions involving environmentally impacted real estate, negotiation of environmental insurance, brownfields redevelopment, Comprehensive Environmental

Response, Compensation, and Liability Act litigation, toxic tort actions, state voluntary program cleanup, and regulatory compliance. He has extensive experience working with federal and state agencies and negotiating and drafting deal terms, pleadings, and insurance policy terms. Representing policyholders, Mr. Mostow has recovered millions of dollars under claims previously denied by his clients' liability and property insurance carriers. He has negotiated defense and indemnity coverage in the environmental context, litigated coverage actions concerning multiple contaminated sites located across the country, and negotiated defense and indemnity coverage for claims arising from construction defects and violations of state and federal constitutional law, as well as advised clients on a broad range of insurance issues, such as professional liability and directors and officers coverage. Mr. Mostow earned his undergraduate degree from the University of Illinois, *magna cum laude*, and his J.D. from the Northwestern University School of Law. He currently chairs the Chicago Bar Association Environmental Law Committee.

Patrick O'Connor, Jr. (Chapter 8) is a partner with the international law firm of Faegre & Benson, LLP in its Minneapolis, Minnesota, office. He received his B.A. degree from Hamline University in 1975 and his J.D. from The American University in 1981. Mr. O'Connor's practice focuses on construction, suretyship, and insurance. He was an adviser to the American Law Institute's Restatement of the Law Third, Suretyship and Guaranty. He also acts as a mediator, arbitrator, and expert witness in construction disputes. Mr. O'Connor is coauthor of *Bruner & O'Connor on Construction Law* (West Group 2002), an eight-volume construction law treatise. He works closely with a number of industry organizations on Building Information Modeling and Integrated Project Delivery initiatives. Mr. O'Connor currently is chair of the BIMForum's Legal Subforum. He was outside counsel to the American Institute of Architects (AIA's) Documents Committee during its effort to draft the Single Purpose Entity family of infrastructure planning and design documents. He is currently outside counsel involved with the AIA's efforts to draft the Multi-Party family of documents. Mr. O'Connor also holds LEED AP (New Construction) certification through the U.S. Green Building Council. He is a Fellow and former member of the Board of Governors of the American College of Construction Lawyers and a member of the ABA Forum on the Construction Industry Governing Committee. He is listed in *The Best Lawyers in America*.

José M. Pienknagura (Chapter 1) is Executive Vice President, General Counsel, and Risk Manager of Hunt Construction Group. His experience includes oversight and management of all facets of significant construction throughout the United States, including hospitals, professional sports stadiums and arenas, airports, and other projects, with total construction values in excess of \$10 billion dollars. His responsibilities include land acquisition, contract

negotiation, insurance placement and negotiation, claims, and litigation across the spectrum of project delivery mechanisms. Mr. Pienknagura speaks and writes regularly on construction and insurance topics and has done so for the ABA, IRMI, and the Construction Super Conference, among others. He received his B.A., M.A., and J.D. from Indiana University in Bloomington.

Tracy Alan Saxe (Chapter 6) is a founding partner of Saxe Doernberger & Vita, P.C. in Hamden, Connecticut, and is a skilled commercial litigator with more than 25 years of trial experience. Since 1990, he has focused his practice on insurance coverage issues, disputes, litigation, and trials exclusively on behalf of policyholders, handling cases involving coverage for comprehensive general liability, directors and officers, professional liability, builders risk, subguard, first party property damage, additional insured, business interruption claims, and crime bonds. Mr. Saxe has handled cases involving coverage for construction defects, completed operations, product liability, property damage, and bodily injury related to mold and asbestos, bodily injury related to construction, “sick building” syndrome, environmental claims, business interruption, employment disputes, patent infringement, contempt, RICO, unfair practices, breach of fiduciary duty, bad faith, and professional malpractice. Mr. Saxe is well versed in issues relating to late notice, allocation, subrogation, contribution, indemnification, and the duty to defend.

Clifford J. Shapiro (Chapter 5) is a partner in the Chicago office of Barnes & Thornburg LLP and chairperson of the Construction Law Practice Group, which consists of attorneys in the firm’s twelve offices. He is ranked among the top construction attorneys in the United States by *Chambers USA*, was selected to be a Fellow in the *Litigation Counsel of America*, and is listed as a top construction lawyer by *Best Lawyers in America*, *Illinois Super Lawyers*, and *Leading Lawyers*. Mr. Shapiro handles construction matters in mediation, arbitration, and litigation on behalf of public entities, owners, and contractors. He also regularly represents construction industry clients in their capacity as policyholders seeking insurance coverage in connection with construction-related claims. He negotiates and, when necessary, litigates insurance coverage claims. Mr. Shapiro received his B.A., *magna cum laude*, from Washington University in St. Louis and his J.D. with high honors from George Washington University Law School in Washington, D.C., where he was a member of the law review and awarded Order of the Coif.

Lee H. Shidlofsky (Chapter 3) is the founding partner of Shidlofsky Law Firm PLLC in Austin, Texas, where he heads up the Insurance Law Practice Group. The Insurance Law Practice Group represents corporate policyholders that are in disputes with their insurance companies, provides advice to plaintiffs in complex litigation on how to best maximize an insurance recovery, and provides risk-management consultation in connection with contractual risk transfer issues. The Insurance Law Practice Group has handled a wide variety

of first-party and third-party insurance claims (e.g., directors and officers, errors and omissions, “personal and advertising injury liability,” construction defect, commercial property, business interruption, pollution, and commercial auto) in state and federal courts at both the trial and appellate court levels. Mr. Shidlofsky is the current chair of the Insurance Law Section and formerly held a council position with the Construction Law Section of the State Bar of Texas. He is the author of numerous articles and seminar papers and is a frequent speaker at continuing legal education seminars across the country.

Catherine M. Shiels (Chapter 4) is a shareholder at Golden, Rothschild, Spagnola, Lundell, Boylan & Garubo, P.C., in Bridgewater, New Jersey. She concentrates her practice in workers’ compensation and insurance coverage litigation and represents insurance companies and self-insured companies in the defense of these claims. Ms. Shiels is licensed in New Jersey, Pennsylvania, and New York. She was a Judicial Clerk to the Honorable Paul Kapalko from 1996 to 1998 and is a Barrister in the Justice James H. Coleman, Jr. Workers’ Compensation American Inn of Court.

Caroline W. Spangenberg (Chapter 6) is a partner at Kilpatrick Townsend & Stockton LLP in Atlanta, Georgia, and is the team leader of the firm’s Insurance Recovery Team. She has more than thirty years’ experience representing policyholders in insurance coverage matters, including litigation, claims negotiations, and alternative dispute resolution processes, throughout the United States and abroad. She has been honored to be named a Best Lawyer in America in Insurance in *Corporate Counsel Magazine*, and as a Georgia Superlawyer. Ms. Spangenberg has extensive experience in construction-related claims, including on behalf of owners, developers, contractors, construction managers, architects, and engineers as well as on behalf of manufacturers of building products and materials, both here and abroad, including off-shore. In addition to her construction-related experience, she has handled a wide variety of other insurance disputes for policyholders, including business interruption claims as a result of natural catastrophes and major accidents, officers’ and directors’ liability claims, intellectual property and cyber-risk claims, professional liability claims, bankruptcy disputes relating to insurance, market misconduct issues, mass tort claims including asbestos bodily injury and property damage claims, toxic tort and environmental claims, privacy claims, fidelity bond claims, and others. Ms. Spangenberg graduated from Wellesley College, A.B. *Phi Beta Kappa*, and from Harvard Law School, J.D., *magna cum laude*.

Donald R. Spratt (Chapter 9) is Claim Counsel for Zurich American Insurance Company. He holds a law degree from Washington and Lee University and is a member of the Virginia State Bar and the District of Columbia Bar. He also holds M.B.A. and B.A. degrees from the University of Rochester. He earned

an Associate in Fidelity and Surety Bonding from the American Institute for Chartered Property and Casualty Underwriters.

Laura Thomson (Chapter 1) is an associate in Pillsbury Winthrop Shaw Pittman LLP's Construction practice, focusing on insurance coverage and construction disputes. Ms. Thomson has represented public and private contractors in disputes in federal and state courts involving construction claims, insurance recovery, and performance bond claims. An honors graduate of the George Washington University Law School, she received an M.S., M.A., and A.B. (with distinction) from the University of Michigan and worked in the production of television documentaries before becoming an attorney. Ms. Thomson's previous contributions to construction-related publications include *Construction Law Handbook*, *International Dispute Resolution* (Aspen Publishers 2009).

Christopher H. Westrick (Chapter 4) is a shareholder with the firm of Golden, Rothschild, Spagnola, Lundell, Boylan & Garubo, P.C., in Bridgewater, New Jersey. His specialties include construction defect, insurance coverage, and employment litigation. Mr. Westrick handles the majority of the firm's complex construction defect matters and represents developers, general contractors, and design professionals in those matters. He was recently selected by the *New Jersey Law Journal* to the 2010 "40 Under Forty," a distinction awarded to the top 40 lawyers in the State of New Jersey under 40 years old. He is also the chair-elect of the Self-Insurers and Risk Managers Committee of the American Bar Association Tort Trial and Insurance Practice Section for the 2010–2011 term. Mr. Westrick is admitted to practice in the state and federal courts of New Jersey and New York.

Wm. Cary Wright (Chapter 5) is a shareholder with Carlton Fields in its Tampa, Florida office. He is board certified in construction law by the Florida Bar and has extensive experience representing clients in construction disputes including construction claims, defective products, water intrusion, mold, construction liens, bond claims, insurance coverage matters, and risk management issues. Mr. Wright also has substantial experience in contract drafting and contract review including the preparation of owner-contractor agreements and contractor-subcontractor agreements. He has also spoken and written extensively on construction-related issues. Mr. Wright is listed in *Chambers USA Guide to America's Leading Business Lawyers* (Construction) 2007–2010 editions. He was selected for inclusion in *Best Lawyers in America* 2007–2010 editions and selected for inclusion in *Florida Super Lawyers* 2006–2010 editions. Mr. Wright received his J.D. from Stetson University College of Law, *cum laude*, in 1990, where he was the managing editor of the *Stetson Law Review*. He graduated from the University of Florida with a B.S. in accounting, with honors, in 1985.