

# DANIEL J. KRAFTSON

## PARTNER



### Professional Accolades

Selected by his peers on multiple occasions for recognition as Best Lawyers in America Washington, D.C. Area Lawyer of the Year in Construction Law and Litigation – Construction Categories:

- 2012 "Litigation-Construction Lawyer of the Year"
- 2014 "Litigation-Construction Lawyer of the Year"
- 2016 "Litigation-Construction Lawyer of the Year"
- 2018 "Litigation-Construction Lawyer of the Year"
- 2019 "Construction Lawyer of the Year"

Best Lawyers in America, Construction Law and Litigation – Construction Categories, 2006-2021  
Chambers USA, Construction, 2009-2019

Martindale – Hubbell AV Preeminent Rating (Highest Possible Rating in Both Legal Liability and Ethical Standards) 1990-2019

### Education

College of William and Mary (J.D., 1977)  
Wheaton College (B.A., 1973)

### Licenses & Admissions

Commonwealth of Virginia  
District of Columbia  
U.S. Supreme Court  
U.S. Court of Appeals for the Fourth Circuit  
U.S. District Court for the Eastern District of Virginia  
U.S. Court of Federal Claims  
U.S. Court of Appeals for the Federal Circuit

### Professional Affiliations

Virginia Bar Association  
Past Member, Board of Directors of the Construction Law Section of the Virginia State Bar  
District of Columbia Bar Association  
American Bar Association, Member Forum Committee on Construction

### Publications & Presentations

Advocacy in Construction Disputes, 30th Construction SuperConference, San Diego, CA, December 8, 2015

Author of Chapter on "Changes and Extra Work" in the *Virginia Construction Law Deskbook*

Participated in the preparation of a landmark report on construction ADR entitled, "Preventing and Resolving Construction Disputes"



Dan Kraftson specializes in construction law and litigation of complex construction contract disputes. He focuses on the preparation, negotiation, and litigation of claims for additional time and money under fixed price, cost reimbursable, and other types of construction contracts; claim analysis under government and private construction contracts; and counseling both contractors and owners regarding

the drafting and negotiating of contract terms. Dan represents construction owners and contractors across the United States and abroad in a wide variety of projects, including sports stadiums, water and wastewater treatment facilities, chemical processing plants, highways, bridges, nuclear and fossil power plants, hydroelectric power plants, pipelines, mass transit, commercial office buildings, hotels, dams, and environmental remediation projects.

Dan has in-depth knowledge of federal, state and local government law pertaining to construction contracting through his involvement in construction litigation in numerous state and federal courts, arbitration proceedings, administrative hearings, and other dispute resolution mechanisms. These cases have typically involved claims for changes, differing site conditions, delay and disruption, costs of performance, and the impact and ripple effect of changes in the construction schedule. He has also litigated a number of significant construction defect cases.

Dan is intimately familiar with CPM scheduling principles and construction cost analysis. He has worked extensively with construction claims, scheduling, and accounting experts. Dan also serves as an arbitrator, mediator, and dispute review board member on complex construction disputes.



## Representative construction contract matters Dan has handled include:

- Lead counsel in an International Chamber of Commerce arbitration involving a \$100 million dispute arising out of a cost reimbursable contract for the construction of a portion of a transcontinental oil pipeline;
- Lead counsel representing major U.S. Contractor in Federal Court litigation involving an \$80 million dispute arising out of the construction of a hydroelectric power plant in the Eastern United States;
- Lead counsel representing a mechanical contractor in arbitration of a \$30 million dispute arising out of the construction of a Combined Heat and Power Project pursuant to a Guaranteed Maximum Price contract;
- Lead counsel for an ENR Top 5 contractor with a claim against an architect/engineer arising out of a contract for the design and construction of a new U.S. embassy in Skopje, Macedonia;
- Lead counsel in negotiating claims and contract changes and arbitrating dispute for an ENR Top 5 contractor in connection with a \$250 million contract for the construction of a new professional baseball stadium in the Southwestern United States;
- Lead counsel in representing a major international contractor in conjunction with construction disputes arising out of the construction of a \$100 million gas pipeline project in South America;
- Lead counsel defending a major U.S. Contractor in several state court cases arising out of construction defect claims with damage claims ranging from \$35 million to \$140 million;
- Lead counsel for several large municipalities defending claims ranging up to \$40 million in a variety of projects, including water treatment and wastewater treatment facilities, dam construction, courthouses, landfills;



*Dan Kraftson "is a really first rate lawyer and a great person to work with . . . He is one litigator you definitely want on your side. He regularly acts for local governments and has represented some of the country's largest contractors across a range of sectors. He frequently acts as an arbitrator. As such, he has a wealth of experience representing owners and contractors on large-scale projects 'because both sides believe in him . . . he operates with integrity and zeal in representing his clients.' "*

-- Chambers & Partners



- Lead counsel for a major contractor in connection with a \$20 million arbitration arising out of the construction of an electric generating peaking facility in Virginia;
- Lead counsel for a major mechanical/electrical contracting group in connection with disputes totaling over \$35 million arising out of the construction of three combined cycle power plant projects in New England;
- Lead counsel in arbitration of a \$6 million claim arising out of the construction of a major road project in the Eastern United States;
- Lead counsel in Federal District Court litigation in the Eastern United States for a major engineering and construction firm defending against a \$25 million claim arising out of a \$100 million environmental remediation project;
- Lead counsel defending a large municipality against a \$40 million claim for damages arising out of a \$100 million project for the expansion and upgrade of a wastewater treatment plant;
- Lead counsel for a slurry trenching specialty contractor in arbitration of multi-million dollar claims arising out of a differing site condition on an EPA funded environmental remediation project;
- Lead counsel for preparation of claims on behalf of a major international construction firm in connection with disputes with the U.S. Department of State over the construction of several embassy compounds in the Middle East and Europe;
- Represented a major international engineering and construction firm in the negotiation of a design-build contract for the design and construction of a \$1.5 billion highway project under an innovative piece of legislation designed to foster public-private partnering in transportation projects;
- Preparation and presentation of a differing site condition claim on an EPA funded environmental remediation project in New England;
- Special counsel to a public utility company in connection with a prudency hearing before a state public utilities commission in connection with expert testimony regarding the underlying reasons for enormous costs and schedule increases on a nuclear power plant project;
- Preparation and presentation of claims for an under water pipeline contractor in connection with a dispute with a major municipality in the Northeastern United States;
- Lead counsel for preparation and mini-trial presentation of multi-million dollar claim on behalf of an ENR Top 5 contractor arising out of a levee reconstruction project in the Western United States involving claims against the U.S. Army Corps of Engineers for differing site conditions and contractual changes;

- Counsel for a major national contractor before the U.S. Court of Federal Claims in a dispute with the Air National Guard over additional costs which had been incurred in the construction of an airfield runway at a military installation in the Southwestern United States;
- Representation of a major international EPC contractor relative to a claim in connection with the design and construction of a gas recycling project in the Middle East; and
- Lead counsel for a major corporation in a Federal District Court suit in the mid-west arising out of a project for the construction of electrostatic precipitators for a public utility involving claims for delays, disruption and loss of labor efficiency.



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