

SEAN M. HOWLEY

PARTNER



Professional Accolades

Listed in The Best Lawyers in America,
Construction Law, 2021
"Super Lawyers" – Construction Litigation,
Virginia and Washington, D.C.
Super Lawyers™, 2017 – 2021

Education

St. John's University School of Law (J.D., 1998)
University of Notre Dame (B.S.C.E., 1992)

Licenses & Admissions

Commonwealth of Virginia
District of Columbia
State of Oregon
State of Washington
U.S. Supreme Court
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. District Court for the Eastern District of
Virginia
U.S. District Court for the Western District of
Virginia
U.S. District Court for the Eastern District of
Washington
U.S. District Court for the Western District of
Washington
U.S. District Court for the District of Oregon
U.S. District Court for the District of Columbia
U.S. Court of Federal Claims
U.S. Bankruptcy Court for the Eastern District
of Virginia

Professional Affiliations

Virginia Bar Association, Construction Law
Section – Board of Governors
(Chair 2012-2013, Board Member
2005 – 2012)
District of Columbia Bar Association
Federal Bar Association, Government
Contracts Section
American Bar Association, Member Forum
Committee on Construction
American Society of Civil Engineers
Associated Builders & Contractors
Associated General Contractors



Sean Howley knows what goes on at a construction site because he has been there - managing and working on multi-million dollar public works projects in New York City and the surrounding area. After receiving his Civil Engineering degree from the University of Notre Dame, he worked as a Project Engineer and Project Manager for a New York City heavy construction contractor. Since earning

his law degree from St. John's University, Mr. Howley has focused his law practice exclusively on the resolution of major construction and government contract matters.

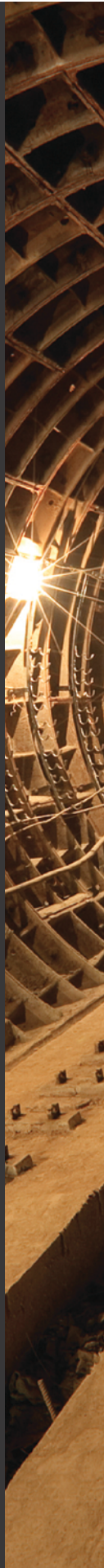
What sets Sean apart from the rest of the crowd is his simple philosophy of always staying focused on what matters most to your organization – the bottom line. As his clients will attest, Sean is a problem-solver. He recognizes that if a lawyer does not bring value, he is adding to his client's problems, not solving them. Having seen this first-hand from the contractor's side of the table, Sean knows that results matter more than the "process" of lawyering, and that focusing on those results is what matters most.

In line with that philosophy, Sean has represented some of the largest contractors and specialty subcontractors in the world on major infrastructure and commercial projects in the United States and abroad. At the same time, he has represented smaller "Mom & Pop" subcontractors, and every type and size of construction or engineering company in between. Whether the claim, company or problem is large or small, Sean's effective and cost efficient methods deliver.



A short list of specific construction and government contract matters Sean has handled include:

- Lead Counsel representing Illinois based highway contractor in successfully resolving claims in excess of \$40 million related to a public toll road project in southeastern Pennsylvania;
- Co-counsel defending a U.S. based oil and gas contractor and successfully resolving a \$300+ million claim arising out of a natural gas pipeline project in West Africa;
- Lead counsel representing a U.S. Based design-build contractor in multi-million dollar claims related to U.S. Embassy projects in Asia, Africa, South America and Europe;
- Lead Counsel defending national concrete contractor from multi-million dollar claims of defective work in commercial development in western Pennsylvania;
- Lead Counsel representing Virginia based heavy civil general contractor in securing injunction against municipality and preventing performance on major water treatment plant project in central Virginia;
- Co-counsel defending U.S. based Construction Management firm successfully resolving more than \$200 million in claims on multiple toll road projects in north Texas;
- Co-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;
- Co-Counsel representing West Virginia based national highway construction contractor in securing trial verdict overturning award of \$100 million transportation project to competitor;
- Lead Counsel representing West Virginia based specialty foundation subcontractor in significant cost and delay claims on highway project in southwestern Virginia;
- Lead Counsel in multiple claims by a national electrical contractor dealing with the sweeping fallout caused by the collapsing residential construction market in the mid-Atlantic region during the "Great Recession";



- Lead Counsel in multiple claims by a national concrete contractor directly related to the softening construction market for condominiums in multiple east coast states;
- Lead Counsel in a claim by a Virginia based paving contractor against a shopping center owner resulting in jury verdict for entire claim;
- Lead Counsel for a Virginia based non-profit senior assisted living facility in negotiating all major contracts from design through construction, and resolving construction related issues in real time, on a \$170 million Project;
- Lead counsel for a Virginia based minority owned government contractor in multimillion dollar dispute with the Federal Government over pricing issues associated with contract performance and interpretation;
- Co-Counsel representing Ohio based wastewater treatment contractor in successfully resolving \$14 million claim related to wastewater treatment plant project in District of Columbia;
- Co-Counsel for a national general contractor in defending multi-million dollar claims from multi-national "Big Box" furniture corporation arising out of construction of three Projects in three separate States;
- Negotiating multiple construction contracts for various commercial developments throughout the United States on behalf of a national mortgage lender; and
- Resolution through negotiation of numerous construction lien claims in Northern Virginia, Maryland, District of Columbia, North Carolina, South Carolina, Pennsylvania and Massachusetts.



Publications & Presentations

Mr. Howley is a frequent speaker and writer on issues relevant to Construction and Government Contracts. Some of his interesting engagements include:

Author: *"Chapter 12: Termination of Contracts"*, Virginia Construction Law Deskbook, Virginia CLE Publications.

Advanced Construction Law: Proving Damages at Trial, Presented to Virginia State Bar Construction Law Section, November 6, 2015.

2015 Construction Law Seminar, Presented to Fauquier County Attorney's Office, Warrenton, VA, May 6, 2015.

2014 Construction Law Seminar, Presented to the Fairfax County Attorney's Office, Fairfax, Virginia, December 4, 2014.

Mediation Ethics, Presented to the Virginia State Bar Construction Law Section, Richmond, VA, April 17, 2012, McLean, VA, March 15, 2013 and Roanoke, VA, September 18, 2014.

Changes, Scheduling, A/E Issues, Presented to the Fairfax County Attorney's Office, Fairfax, Virginia, March 22, 2012.

What Lies Beneath: Geotechnical and Structural Engineering Issues in the Law, Presented to the American Society of Civil Engineers, National Capital Section, McLean, VA, Oct. 14, 2009.

Panel Moderator: *Mega-Projects in an Uncertain Economy*, Presented at the Virginia State Bar 71st Annual Meeting, Virginia Beach, VA, June 19, 2009.

Panel Moderator: *The Trickle Up Effect —How Local Governments are Greening Development and Construction*, Presented at the Virginia State Bar 70th Annual Meeting, Virginia Beach, VA, June 20, 2008.

"Infrastructure Procurement After Disaster: One County's Shaky Story," *National Institute of Government Purchasing—The Source*, Issue No. 7, Summer 2008.

Contractual and Common Law Indemnity Obligations: How to Avoid Being the Insurer for the Project, Presented at the Virginia State Bar 28th Annual Construction and Public Contracts Law Conference, Williamsburg, VA, November 3, 2007.

"Standing CGL Insurance on its Head: What a Texas Supreme Court decision may mean for Insured's in the Commonwealth," *Construction Law and Public Contracts News*, Issue No. 52, Fall 2007.

Panel Moderator: *Monday Morning Quarterbacking the PPEA and PPTA: Lessons Learned from State and Local Public/Private Construction Projects in the Commonwealth*, Presented at the Virginia State Bar 70th Annual Meeting, Virginia Beach, VA, June 15, 2007.

Construction Defect Claims, Presented by Lorman Education Services, Norfolk, VA, February 21, 2006.

The Good, the Bad and the Ugly: Managing Risks Through Contracts, Presented to the Mechanical Contractors of Metro Washington, Bethesda, MD, February 6, 2006.

Construction Defect Claims, Presented by Lorman Education Services, Richmond, VA, September 22, 2005.

The Good, the Bad and the Ugly: Managing Risks Through Contracts, Presented at the Air Conditioning Contractors of America ("ACCA") National Conference, Austin, TX, March 10, 2005 and the ACCA First Annual Commercial Contracting Round Table, Baltimore, MD, October 26-27, 2004.

The Fundamentals of Construction Contracts in Maryland: Understanding the Issues, Presented by Lorman Education Services, Bowie, MD, March 2, 2005 and March 30, 2004.

How an Attorney Examines the Expert at Deposition, Presented at the ASHRAE National Capital Chapter Dinner Program, Vienna, VA, April 13, 2005.

Construction Management/Design-Build in Maryland, Presented by Lorman Education Services, Bowie, MD, May 21, 2004, and Annapolis, MD, May 9, 2003.

Construction Disputes in Virginia: Managing the Risk, Presented by Lorman Education Services, McLean, VA, November 14, 2003.

Construction Legislative Developments of 2003, Presented at the Associated General Contractors National Legislative Conference, Closely Held Business/Small and Medium-Sized Contractors Forum, Washington, D.C., September 14, 2003.

Construction Management/Design-Build in Virginia, Presented by Lorman Education Services, Arlington, VA, December 10, 2002 and in McLean, VA, December 9, 2003.

"Outsourcing, Bid Protests and the Mafia," *O&M News*, February, 2001.

"Property Managers Beware," *O&M News*, December, 2000.

"Project Labor Agreements Spark Debate," *Daily Journal of Commerce*, July 21, 1999.



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