

# SEAN M. HOWLEY

## PARTNER



### Professional Accolades

Chambers USA, Construction 2015

Chambers USA, Construction 2014

### 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 (Inactive)

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 (2005 – present)

District of Columbia Bar Association

Federal Bar Association, Government Contracts Section

American Bar Association, Member Forum Committee on Construction

American Society of Civil Engineers



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 solely 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.



## Some of the construction and government contracts matters Sean has handled include:

- Co-counsel defending a U.S. based contractor from 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 claim related to U.S. Embassy projects in China, Africa and Europe;
- 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 in a claim by a Virginia based paving contractor against a shopping center owner resulting in jury verdict for entire claim;
- 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 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 funded by the 2009 "Stimulus Act";
- Lead Counsel representing West Virginia based specialty foundation subcontractor in significant cost and delay claims against Division of Highways of major Midwestern State;
- 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;
- 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 claim by a Virginia-based paving contractor arising out of failed commercial real estate venture moved into foreclosure proceedings;
- Lead counsel for a Virginia based minority owned government contractor in multi-million dollar dispute with the Federal Government over pricing issues associated with contract performance and interpretation;
- 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;
- Co-Counsel for a multi-national construction company in claims related to United States Embassy projects abroad;
- 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.*

*Mediation Ethics, Presented to the Virginia State Bar Construction Law Section, Richmond, VA, April 17, 2012.*

*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.*

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

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

*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.*



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