

People



Owen J. Shean

Of Counsel, Real Estate
Construction

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A lawyer with a national construction practice, Owen Shean represents clients in a broad array of construction matters and disputes, including resolution of disputes on major infrastructure projects, government facilities, museums, multi-use/multi-family projects, hospitals, and military facilities. His clients have included the Architect of the Capitol (the federal agency responsible for the maintenance, operation, development, and preservation of the U.S. Capitol Complex), the New World Symphony, Great Southwestern Construction Company, Facilities Development Corp., Consolidated Edison, and several Real Estate Investment Trusts (REITS).

Owen's experience includes the drafting and negotiation of construction agreements employing AIA forms, DBIA forms, and EJCDC forms. Owen has developed particular experience in the use of Owner Controlled Insurance Programs (OCIPs), Contractor Controlled Insurance Programs (CCIPs), and other controlled insurance programs for construction projects. Owen has written extensively both on the issue of construction claims as well as insurance disputes.

Notable Work

Construction: Represented the Architect of the Capitol in claims and disputes arising from the design and construction of the Capitol Visitor Center (CVC), located in Washington, D.C. The CVC consists of approx. 580,000 square foot expansion of the U.S. Capitol complex. Located entirely underground, the CVC is located on the east side of the Capitol. Appeal of RTKL Associates Inc. (CAB U.S. Government Accountability Office)

Insurance Coverage: Represented Great Southwestern Construction Company, Inc. in an insurance coverage dispute with certain underwriters at Lloyds of London. The lawsuit sought coverage for and payment of claims pursuant to an "All Risks Erection" policy issued in conjunction with the construction of a wind farm and associated transmission lines in Colorado Creek, CO. *Great*

Areas of Experience

Construction
Construction Litigation and Dispute Resolution
Energy and Infrastructure
Government Contracts
Power Generation, Petrochemical, and Process Construction
Real Estate
Data Centers and Digital Infrastructure

Education

J.D., University of Virginia School of Law, 1982
B.A., University of Virginia, 1978, magna cum laude

Admissions

Bars

District of Columbia
Virginia

Courts

District of Columbia Court of Appeals
U.S. District Court, District of Columbia
Virginia Supreme Court

Related Content

Record Number of Akerman Lawyers Named to *The Best Lawyers in America* 2024 Guide
August 22, 2023

71 Akerman Real Estate Lawyers Named to *The Best Lawyers in America* 2023 Guide
September 26, 2022

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June 10, 2022

Southwestern Construction, Inc. v. Underwriters at Lloyd's London
Subscribing to Policy Number BD0600401, (Sup. Ct. N.Y., County of
N.Y.).

Transactional: Represented a Fortune 50 company in providing a full range of contracting-related services for a complex, multiyear 9-figure sediment remediation project, which included dredging, construction, and operation of landside processing and transportation facilities. The services included preparation of solicitation and contract documents and contract negotiations.

Arbitration: Represented an owner in mediation of claims and change orders arising from construction of 600MW gas-fired combined cycle power generation plant and related sewage treatment, water treatment, and gas compression facilities.

New World Symphony: Represented the New World Symphony in the negotiation and resolution of claims, change orders, and disputes in conjunction with the design and construction of the NWS Campus and Concert Hall in Miami Beach, FL. The project included a 757-seat concert hall, practice rooms, music library, and 7,000 square foot outdoor wall for video projection of symphony performances. The project incorporated an iconic design by Frank Gehry and was the first commission of Frank Gehry Partners in Florida.

Facilities Development Corp.: Represented Facilities Development Corp. in a civil action against Edmund C. Scarborough and The IBCS Group, Inc., alleging, *inter alia*, fraudulent inducement and false advertising in conjunction with issuance of payment and performance bonds for construction and renovation of the U.S. Consulate in Jerusalem, Israel. The complaint alleged fraud by the defendants in the marketing and sale of payment and performance bonds which plaintiff contended did not comply with applicable requirements of the Federal Acquisition Regulations. *Facilities Development Corp. v. Edmund C. Scarborough and the IBCS Group Inc.* (Cir. Ct. Fairfax, Co., VA)

Consolidated Edison: Represented Consolidated Edison in an adversary proceeding initiated by a Chapter 11 debtor arising from the construction of Con Ed's Third Avenue Yard Facility, in Brooklyn, New York. The complaint filed by the debtor/contractor against Con Ed alleged, *inter alia*, breach of contract, fraud in the inducement, defamation, and violation of the New York Trust Fund Statute. *Andrew Velez Construction, Inc. v. Consolidated Edison Company of New York, Inc. and The Switzer Group, Inc.* (Adv. Pro. U.S. Bankruptcy Ct., S.D.N.Y.)

Design/Build Contractor: Represented a design/build contractor in multi-jurisdictional litigation involving claims and insurance coverage disputes arising from design and construction of medical office and ambulatory care facility housing MRI facilities, examination rooms, laboratories, and surgical operating rooms. *Marshall Erdman & Associates v. TIG Insurance, et al.* (Supr. Ct. Wisc., Fed. Dist. Minn., Supr. Ct. of Ohio).

Amicus Curie - Construction Defect Claims: Represented the Amicus Curie counsel in appeal involving *inter alia*, rights of defense and indemnity under a professional errors and omissions policy for construction defect claims asserted against a Design/Build contractor. *1325 North Van Buren, LLC v. 7-3 Group, Ltd et al* (Wisconsin Court of Appeals).

Orange County Convention Center: Represented a fire protection contractor in pursuit of \$3.2 million in claims against construction manager and sureties arising from construction of the Phase IV Expansion of the Orange County Convention Center. *Southeast Fire Protection LLC v. Hunt Construction et al* (Cir Ct. Orange Co. Fla).

Bond Claims: Represented a design/build contractor in defense of bond claims arising from construction of United States Marine Barracks Annex and Support Facility in Washington, D.C. *United Sheet Metal Inc. v. Coakley & Williams Construction Inc. et al* (U.S. Dist. Ct. D.C.).

Mechanical Subcontractor: Represented a mechanical subcontractor in prosecution of \$19 million claim for delay and productivity losses incurred in construction of John R. Dingle VA Medical Center in Detroit, Michigan. Appeal of *Bateson Dailey Joint Venture* (Veterans Affairs' Board of Contract Appeals).

KPMG: Represented KPMG Consulting in an action to recover amounts due for furnishing, configuring, and implementing Oracle Applications Suite software for public school system. *KPMG Consulting, LLC v. New Baltimore City Board of School Commissioners* (U.S.D.C. N.D. Md.).

Wastewater Treatment Facilities: Represented the City of Los Angeles in defense of contractor's claims for additional compensation arising from construction of Hyperion Full Secondary Wastewater Treatment Facilities. *Kiewit Pacific Co. v. City of Los Angeles* (Supr. Ct. L.A. County, Calif.).

Defense Contractor: Represented a defense contractor in defense against claims of breach of contract and False Claims Act violations arising from performance of a contract with the United States Air Force for implementation of a command and control enhancement contract. *Techdyn Systems Corporation v. Whittaker Corporation* (Cir. Ct. of Arlington, Va.).

Contract Termination: Represented a contractor to recover amounts due resulting from default termination of contract for underground and foundation construction of steel processing mill. *Baker Concrete Construction, Inc. v. AK Steel Corporation and Eichleay Engineers, Inc.* (Ct. Common Pleas, Ohio).

Park Place: Represented the owner/developer in drafting and negotiation of Guaranteed Maximum Price (GMP) contracts for construction of Park Place (Annapolis, MD), a mixed use project consisting of condominium, office building, hotel, and parking garage.

Superconducting Super Collider Laboratory: Represented a research consortium in defense of termination for convenience claims arising from closure of Superconducting Super Collider Laboratory in Waxahachie, Texas. *Westinghouse Electric Corporation v. University Research Associates* (USDC N.D. Tex.).

Proposal Preparation and Bidding: Represented a contractor/bidder in proposal preparation and bidding of contract for demolition and environmental renovation of the Connecticut Yankee Nuclear Power Plant.

Risk Management Assessment: Represented the Metropolitan Transit Authority, East Side Access, New York, in preparation of risk

management assessment for tunnel engineering contract and related procurement documents.

U.S. Air Force Academy: Represented a design/build contractor in mediation of claims for additional compensation arising from construction and renovation of facilities at the United States Air Force Academy.

Power Generation Plant: Represented a contractor in arbitration and mediation of claims for additional compensation, delays, and impacts arising from construction of 1,100MW gas-fired, combined cycle power generation plant.

Affiliations

- American Bar Association, Member
- District of Columbia Bar Association, Member
- Virginia State Bar Association, Member
- Associated General Contractors of America, Member
- Virginia Tech University, Construction and Government Contract Law, Department of Building Construction, Past Adjunct Faculty, 2000-2001
- Georgetown University Law Center, Past Adjunct Professor, 1988-2000

Honors and Distinctions

- *Best Lawyers*, 2013, 2015-2025, Listed in Washington, DC for Construction Law, Litigation - Construction
- *Chambers USA*, 2008-2012, 2014 Ranked in Virginia for Construction
- *Best Lawyers*, 2012, 2014, Listed in Virginia for Litigation - Construction
- *The Legal 500*, 2019, 2022, Recommended for Real Estate and Construction - Construction
- *The Legal 500*, 2010, Recommended on the East Coast for Construction
- *The Legal 500*, 2009, Recommended in the Southeast for Construction
- *Super Lawyers* Magazine, 2008-2016, Listed in Washington, DC for Construction Litigation: Business
- *Super Lawyers* Magazine, 2008-2011, Listed in Virginia for Construction Litigation