

People



Brenda K. Radmacher

Partner, Litigation
Construction

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vCard

Brenda Radmacher focuses her practice on construction law, working as a counselor, litigator, and noted speaker on issues involving landowners, developers, general contractors, and design professionals. She has a multi-faceted practice handling litigation and providing advice and transactional counsel to her construction industry clients. Brenda has experience advising clients on risk management best practices; drafting critical documents, contracts, and procedures; and effectively resolving disputes.

With nearly 30 years of experience working with construction contractors, construction managers, design professionals, developers, and owners, Brenda resolves complex construction disputes through negotiation, mediation, and when necessary, arbitration and litigation. Brenda has worked with clients on projects in California, nationwide, and internationally. Developers, construction companies, and design professionals call on her legal and negotiation expertise for issues including course-of-construction disputes, claims of construction defects, and insurance issues. She has substantial experience in building envelope, water infiltration, and mold-related claims, having counseled clients with respect to hundreds of such matters. Brenda works with her clients dealing with mechanic's liens, payment disputes, bid protests, and contract and delay/acceleration claims on both public and private projects. Brenda has substantial experience and expertise in dispute resolution, including a background as a mediator and professor on negotiation and mediation.

Brenda also works with clients to utilize innovative project delivery systems, including EPC, design-build, and public-private partnerships (P3). She has represented clients on projects involving renewable energy, airport improvements, surface transportation infrastructure, healthcare, and multifamily housing, providing advice on contract terms, compliance issues, and the resolution of disputes arising out of the performance of complex design and construction contracts.

Areas of Experience

Litigation
Construction
Construction Litigation and Dispute Resolution
Healthcare Real Estate
Residential Land Acquisitions and Development
Renewable Energy and Electric Power
Hospitality

Education

J.D., University of Southern California Gould School of Law, 1996
M.A., University of Southern California, 1996
B.A., Baylor University, 1993

Admissions

Bars

California
Arizona

Related Content

Brenda Radmacher to Speak on the Evolution of Analytics and Technologies in Construction Defect Claims and Litigation
May 16, 2024

Brenda Radmacher to Co-Chair ABA Forum on Construction Law Annual Meeting
April 11, 2024

Brenda Radmacher to Speak on the Transition to Next Generation Energy Resources
February 22, 2024

Notable Work

Solar Energy Project Dispute: Representation of owner/developer of an 11.5 megawatt solar energy generation multi-site project where a dispute arose with the EPC contractor over construction and performance issues. Negotiated a resolution of the client's claim of more than \$40 million through aggressive litigation techniques.

Solar Energy Developer Representation: Assisted solar energy owner/developer with the termination of a non-performing EPC contractor and engagement of replacement contractor.

Solar Energy Developer Representation: Litigation counsel for solar owner/developer in recovery of damages related to performance deficiencies and defense of EPC contractor delay and disputed constructive change claims in excess of \$60 million.

Acid Gas Treater & Injection System Project: Negotiated EPC contract for a turnkey \$37 million Acid Gas Treater & Injection System/Treatment Project. Major terms of negotiation included indemnity, force majeure, termination, and completion terms and conditions.

Mixed-Use Construction Dispute: Representation of a large general contractor client in handling construction litigation involving breach of contract, payment disputes, delay claims, and construction defect allegations on a high-rise multi-family mixed-use project, achieving a favorable resolution through a creative settlement of all claims for her client.

General Contractor Dispute: Representation of a national remediation contractor in multiple matters where she effectively negotiated resolution of breach of contract and lien claims to the satisfaction of her client in addition to a successful trial recovering all of the client's damages.

General Contractor Dispute: Litigated a successful defense of a general contractor in a construction defect and delay claim through an extensive arbitration proceeding related to a construction of a shipping container crane extension project that involved complex engineering and design issues and construction management and payment disputes where she obtained a finding in favor of her client on all issues but 4 percent of the claims asserted by the engineer.

General Contractor Dispute: Successfully conducted a virtual arbitration of a contract dispute between a national general contractor and a supplier over improper gaskets supplied to a railroad servicing and refueling station that led to leaks in the fuel supply lines.

Condominium Construction Dispute: Representation of a large general contractor client in handling a complex case involving construction defects, payment, and lien claims to the satisfaction of her client including obtaining a rescission of a red tag erroneously imposed by the city official.

General Contractor Representation: Provides day-to-day advice for several significant general contractor clients on a variety of topics, including contract negotiation, payment disputes, change order disputes, and claims resolution.

Residential Developer Representation: Negotiated dozens of design and construction contracts for developer of various residential, single family home and multifamily projects in California. Also assisted the developer with the acquisition of real property in

Central California for development and construction of a master planned community of single family homes, and the negotiation and documentation of new joint venture ownership and financing of real property for development of a master planned community of 57 single family homes.

High Rise Construction Advice and Counsel: Represents a real estate developer in regard to high rise construction issues including evaluation and assessment of design and construction defect issues and work with the developer and its engineers and contractor on a resolution of the issues.

Environmental/Proposition 65 Litigation and Advice and Counsel: Represent national manufacturer and retailer for compliance with California's Proposition 65 and provide advice and counsel for compliance. Also handle all of the client's litigation and resolution of Proposition 65 claims. Defend Proposition 65 claims for various retailers in the lumber, construction, and related industries.

Renewable Energy/Power Generation Facility Owner: Litigation counsel for owner in recovery of damages related to performance deficiencies and contractor delay and disputed constructive change claims in excess of \$200 million related to a solar power production project.

High End Residential Development: Represented owner of high end single family home development in connection with termination of prime contractor, engagement of a replacement contractor, and all related construction documents.

Construction Contract Negotiation: Represent national construction and remediation contractor to draft national construction commercial contracts and home improvement agreements.

Construction Licensing Issues: Represent specialty subcontractor in the development of protocols and compliance for national licensing related issues.

Cannabis Construction Developments: Represent developer/cannabis company in the drafting and negotiation of the relevant construction and supplier contracts for various cannabis facilities.

Design Professional: Representation of architect in regard to construction project dispute associated with claims of defective design and construction management and successful extraction of the client in the pre-litigation stage.

Healthcare Construction: Represented a developer and contractor in a successful resolution of a dispute with the architect over design issues regarding the design and construction of a medical facility arising out of failure to comply with California regulations for healthcare facilities in construction in dispute over contract claim and damages, repair costs, and delay damages. Resolved the matter on the day of arbitration to the satisfaction of the client.

Hospitality Construction Issues: Representing of construction and design issues in regard to various restaurant matters involving lease issues, tenant disputes and termination of leases, mechanic's lien issues, and construction documents and negotiation of development and construction contracts for hotel owners. Litigation of construction defect and damage claims for hotel owners including resolution of issues of plumbing system failures and damages.

Published Work and Lectures

- ABA Forum on Construction Law Annual Meeting, Co-Chair, “The Art and Science of Construction Litigation,” April 11-13, 2024
- 2024 West Coast Casualty Construction Defect Seminar, Speaker, “We’ve Come A Long Way Baby! Evolution of Analytics & Technologies in CD Claims and Litigation,” May 16, 2024
- American Bar Association (ABA) Forum in Construction Law Annual Meeting, Program Co-Chair, “The Art and Science of Construction Litigation,” April 11-13, 2024
- North American Society of Construction Law (SCL, NA) Hybrid Webinar, Speaker, “The Transition to Next Generation Energy Resources: Risks and Opportunities for the Construction Industry Towards Net-Zero by 2050,” February 22, 2024
- Women in Residential and Commercial Construction (WIR+CC) Conference, Speaker, “Negotiation Tactics for Construction Projects,” October 26, 2023
- Women Construction Owners and Executives (WCOE) California 2023 Annual Conference, Moderator, “Meet the GCs and Matchmaking Session,” October 6, 2023
- National Association of Home Builders (NAHB) Fall Leadership Meeting, Speaker, “Impact of Technology Issues on Construction Claims,” September 20, 2023
- Associated General Contractors (AGC) of California, Speaker, “Lessons Learned from the Collapse of the Champlain Towers South Condominium,” September 15, 2023
- 2023 American Arbitration Association Construction Conference, Speaker, “Ethics Issues with Virtual Hearings and Document Production,” June 8, 2023
- AGC 2023 Annual Convention, Presenter, “When the Well Dries Up: Supply Chain Impacts and Legal Issues,” March 15, 2023
- 9th Annual California Construction Law Conference, Speaker, “State and Federal Update,” March 8, 2023
- WCOE California 2022 Annual Conference, Speaker, “The New Reality of Design Responsibility for Contractors - Capitalizing on Efficiencies While Managing the Risks of Design-Build and Design-Assist Contracts,” October 16, 2022
- 2022 Society of Construction Law - North America (SCL-NA) Inaugural Conference, Speaker, “The Psychology for Disputes” July 8, 2022
- *CLM Magazine Weekly*, Co-Author, “Information Overload: In Construction, New Data and Technologies Are Everywhere, How We Use and Process It All Matters,” June 7, 2022
- 28th Anniversary of West Coast Casualty’s Construction Defect Seminar, Panelist, “Construction Trends of the Future and Their Impact on Construction Claims Risk Management and Coverage,” May 12, 2022
- 2022 CLM Annual Conference, Speaker, “From Hammers to Holograms: New Trends in Construction Litigation,” March 2022
- 2022 ABA Forum on Construction MidWinter Meeting, Speaker, “When the Well Dries Up: Supply Chain Concerns,” February 2022
- 2022 ABA Forum on Construction MidWinter Meeting Practicum, Speaker, “Advanced Advocacy Skills in Mediation,” February 2022
- *ConstructionDive*, Quoted, “The Dotted Line: Supply Chain Woes lead to Possible Breach, Defect Claims,” November 30, 2021
- 2021 ABA Forum on Construction Regional Program: Fundamentals of Construction Law PLUS Sticks & Bricks,

Speaker, “Schedules and Delays, Changes, and Differing Site Conditions,” September 2021

- Women in Design+Construction Conference, Moderator, “Planning for 2022,” December 3, 2021
- *Law360*, Quoted, “High Claims Volume In Design-Build Makes Insuring Onerous,” October 19, 2021
- West Coast Casualty Construction Defect Seminar, Panelist, “Arbitration by Zoom: How to Effectively Arbitrate Construction Cases,” October 8, 2021
- American Bar Association 2021 Regional Program: Fundamentals of Construction Law PLUS Sticks & Bricks, Panelist, “Schedules and Delays, Changes, and Differing Site Conditions,” September 30, 2021
- CLM Construction Conference, Panelist, “How to Arbitrate a Complex Construction Case Virtually,” September 23, 2021
- Women’s Business Enterprise Council Pacific 2021 Annual Construction Industry Summit, Panelist, “Key Issues in Construction Contracts to Mitigate Your Risk,” September 16, 2021
- CLM Annual Conference, Speaker, “Design-Build for the Future: How to Ensure Construction Projects are Claim Resistant,” August 12, 2021

Affiliations

- Construction Lawyers Society of America (CLSA), Fellow
- American Arbitration Association (AAA), Arbitration Panel Member
- Associated General Contractors of California, Los Angeles District
 - Legal Advisory Committee, Vice Chair, 2022-Present
 - Board of Directors, 2018-2022
- Claims & Litigation Management Alliance, Member
 - CLM Annual Conference Education Committee, Board Member, 2017-2019
 - CLM Claims College School of Mediation, Board and Faculty Member, 2017-2018
 - CLM Claims Handling Resource Guide, Advisory Board Member, 2013-2015
 - CLM Product Liability Committee, Co-Chair, 2013-2016
- Women Construction Owners & Executives - California Chapter, Vice President, 2013-2015; President 2015-2018; Board Member 2018-Present, Regional Director 2022-Present
- West Coast Lumber & Building Material Association, Board Member, 2016-2018
- Southern California Women’s Construction Alliance, Founding Member
- BUILD Relationships, Founder
- Building Industry Association, Member
- National Association of Homebuilders, Member
- USC Marshall School of Business, With Your Shield, A McMorrows Veterans Initiative, Lecturer, 2018-Present
- USC Alumni Real Estate Network, Member, 2016-Present; Board of Directors, 2016-2019; Board Chair, 2017-2018

Honors and Distinctions

- *The Best Lawyers in America* 2021-2024, Listed in California for Construction Law and Litigation - Construction

- *Super Lawyers* Magazine, 2023-2024, Listed in Southern California for Construction Litigation, Business Litigation, Environmental Litigation
- *Attorney Intel*, Named as one of the Top 50 Attorneys of Los Angeles, 2023
- *Daily Journal*, Named as one of the Top 100 Lawyers in California, 2022
- *Los Angeles Business Journal*, Recognized as a “Woman of Influence,” 2021-2022
- *The Legal 500*, 2022, Recommended for Real Estate and Construction – Construction
- *Construction Dive*, Industry Top Female Leaders, Recognized as an “Industry Veteran,” 2021
- *Los Angeles Business Journal*, Named as one of the Top 50 Most Influential Women Lawyers, 2017
- Outside Counsel, Professional of the Year, Claims & Litigation Management Alliance, 2016
- Pasadena’s Top Attorney, 2013-2017
- *Super Lawyers* Magazine, 2005-2011, Listed in Los Angeles as a “Rising Star” for Construction Litigation
- Martindale-Hubbell, AV Rated