



## → Hal Hamersmith

Retired - Of Counsel

hhamersmith@retiredpartner.  
sheppardmullin.com

Hal Hamersmith is retired from the firm and is now Of Counsel. He specialized in design and construction contracts, claims, litigation, domestic and international arbitration, construction defects and public contract law. Hal is the former Leader of the firm's Construction Practice and served as Co-Chair of TerraLex's Construction and Infrastructure Practice Group.

### Areas of Practice

#### *Construction Contracts, Claims, Litigation and Arbitration:*

Hal represented public and private owners, contractors, architects and engineers in a wide range of contexts. He regularly negotiated, drafted and advised on contracts (design-build, EPC, construction, architectural and engineering services, construction management services, project control services, procurement of materials and systems, construction manager at risk, program management, etc.) for commercial, industrial, residential, hospital, school, highway/bridge, airport, railway, transit, hospitality and leisure (including hotels and casinos), power plant and other projects, including Public Private Partnership (PPP) projects.

Hal advised on public contract bidding laws and disputes, including issues of bidder responsiveness, and on stop payment notice and lien laws, contract obligations and remedies, performance and payment bonds, issues concerning termination of contracts, etc., as well as on Contractors' State License Law issues.

Hal's areas of expertise included: litigation; arbitration and mediation of disputes on public and private works involving construction defects; professional liability of architects and engineers; latent and patent defects in real property; strict products liability; extra work claims; changed conditions claims; delay, acceleration and disruption claims; defective work claims; mechanic's liens and stop payment notice claims; prompt payment penalties; surety bond claims; bid protests; equipment failures; Uniform Commercial Code rights and remedies; and issues regarding state and federal false claim laws.

#### *Public Contract Law:*

Hal had substantial experience advising contractors, designers and public agencies on a variety of public law matters, in addition to those summarized above. He provided advice regarding:

- FOIA and California Public Records Act and issues related to same;
- application of state and local building codes and ordinances;
- RFPs for engineering and related services and state laws pertaining to competitive procurement for same;

- conflict of interest laws and policies applicable to officials and employees;
- various dispute resolution alternatives, including arbitration, mediation, required meetings of principals, dispute review boards, project neutrals and other mid-contract mechanisms;
- California local-agency dispute resolution statutes;
- insurance programs and coverages, including general liability, professional errors and omissions, builder's risk, owner's protective professional indemnity, owner-controlled insurance wrap programs, etc.
- DBE/MBE/WBE and equal employment opportunity laws, regulations, issues and contract provisions; and
- federal laws and regulations applicable to grantees of federal funding, including FTA third-party contracting guidelines, Buy America laws and regulations, Davis-Bacon, F.A.R. requirements on cost and pricing data, etc.

### *Real Estate Litigation:*

Hal handled a variety of real estate-related litigation, including lease disputes, purchase-sale agreement disputes (including issues regarding required disclosures) and broker/realtor issues.

## Honors

- Lawyer of the Year - Construction, *Best Lawyers*, 2022, 2025
- Best Lawyer in America, *Best Lawyers*, 2008-2026
- Real Estate and Construction, *Legal 500*, 2011-2016 and 2018-2019
- Lawyer of the Year - Construction, *Best Lawyers*, 2017
- Named to *Who's Who Legal: Construction*, 2015
- Top leading construction lawyer, *Chambers & Partners'*, 2011-2014
- Expert Guides, The World's Finest Lawyers Chosen By Their Peers, Construction, *Legal Media Group*, 2012-2014
- *Construction & Projects Handbook* (First, Second and Third Editions), Leading Construction Lawyer
- Southern California's Best Lawyers, 2008-2014
- Recommended lawyer, Construction Law, *PLC Which Lawyer?*, 2009-2013

## Articles

Hal has authored or co-authored numerous publications, including the following.

- "Can the *Spearin* Doctrine Survive in a Design-Build World: Who Bears Responsibility for Hybrid Specifications?" *Journal of the American College of Construction Lawyers*, Winter 2008
- "New Prevailing-Wage Risks For California Public Works Projects," *Law360*, January 24, 2014
- "The Year 2012 in Review: Developments in California Design and Construction Law," Los Angeles County Bar Association, February 2013
- "The Year 2011 in Review: Developments in California Design and Construction Law," Los Angeles County Bar Association, February 2012
- "The Year 2010 in Review: Developments in California Design and Construction Law," Los Angeles County Bar Association, February 2011

- "2002 Construction Law Update ('Waiver of Consequential Damages in AIA Standard Form Agreements')," Aspen Law Business, 2002
- "Best of CLE Seminar – Construction Law: Construction Contracts, Claims and Recent Decisions of Interest," The Seminar Group, January 2011
- "The Year 2009 in Review: Developments in California Design and Construction Law," Los Angeles County Bar Association, February 2010
- "The Year 2008 in Review: Developments in California Design and Construction Law," Los Angeles County Bar Association, February 2009
- "Lost Productivity Claims: New Developments on an Expensive and Tricky Issue," WPL Publishing Company, February 2009
- "The Year 2007 in Review: Developments in California Design and Construction Law," Los Angeles County Bar Association, February 2008
- "The Year 2006 in Review: Developments in Design and Construction Law," Los Angeles County Bar Association, February 2007
- "The Year 2005 in Review: Developments in Design and Construction Law," Los Angeles County Bar Association, February 2006
- "The Year 2002 in Review: Annual Construction Law Update," Los Angeles County Bar Association, February 2003
- "The Year 2001 in Review: Annual Construction Law Update," Los Angeles County Bar Association, February 2002
- "The Year 2000 in Review: Annual Construction Law Update," Los Angeles County Bar Association, October 2000
- "New Construction Defect Litigation," manual for conference on Avoiding and Resolving Construction Claims, Pepperdine University School of Law, Straus Institute of Dispute Resolution; American Arbitration Association, et al., December 7, 2002
- "Effective Use of Discovery in Construction Litigation," Conference on California Construction Law, CLE International, 1997
- "Public Works: Contracts and Litigation," Continuing Education of the Bar, California, 1995
- "Update on Mechanics' Lien Issues," Los Angeles County Bar Association, 1995
- "Recent Developments in WBE/MBE/DBE Issues," Los Angeles County Bar Association
- "Effective Discovery in Construction Disputes," Los Angeles County Bar Association
- "Architect-Engineer Liability Under California Law" manual, Cambridge Institute

## Speaking Engagements

- "Annual Construction Law Update," Los Angeles County Bar Association (LACBA), Construction Law Section, 2000 and 2002-2013
- "Green Building: Legal and Regulatory Realities," The Seminar Group, March 2011
- "Best of CLE Seminar – Construction Law: Construction Contracts, Claims and Recent Decisions of Interest," The Seminar Group, January 2011

- "Webinar: Lost Productivity Claims: New Developments on an Expensive and Tricky Issue," WPL Publishing Co., February 2009
- Program Chair, "Construction Claims in Public Works Projects," CLE International, February 29, 2008
- "Ethics and False Claims Act Liability: Current Trends and Problems," CLE International, August 27, 2007
- "Electronic Discovery in Construction Litigation," LACBA, 2006
- "Hot Topics in Construction Law," American Arbitration Association/Pepperdine University, Conference on Avoiding and Resolving Construction Claims, 2002 and 2003
- "Complex Litigation in the Construction Field," LACBA, 2002
- "Effective Discovery in Construction Disputes," LACBA
- "Update on Mechanics' Lien Issues," LACBA, 1995
- "What's Happening in the Arena of Architect/Engineer Liability?" LACBA, 1996
- "Recent Developments in WBE/MBE/DBE Issues," LACBA
- "Public Works: Contracts and Litigation," California Continuing Education of the Bar, 1995
- "Architect-Engineer Liability Under California Law," Cambridge Institute seminars
- "Selected Topics on Alternative Dispute Resolution," Construction Litigation Superconference
- "Effective Use of Discovery in Construction Litigation," CLE International Conference on California Construction Law, 1997

## Education

J.D., University of Michigan Law School, *cum laude*

B.A., University of Illinois, *Phi Beta Kappa*

## Admissions

California

U.S. District Court for the Central District of California

U.S. District Court for the Southern District of California