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Paul A. Varela

Founding Partner

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"Paul Varela maintains an excellent reputation as a leading construction practitioner with broad experience in both contentious and noncontentious matters relating to large commercial development and infrastructure projects. 'He is outstanding in terms of both his personality and his capability as a legal expert.' 'He is absolutely at the top of the list for construction matters.'" - *Chambers and Partners, 2021*

"Paul Varela is described by clients as a 'skilled, polished, diplomatic and unflappable' attorney who 'brings gravitas and a wealth of knowledge and experience to a matter.'" - *Chambers and Partners, 2020*

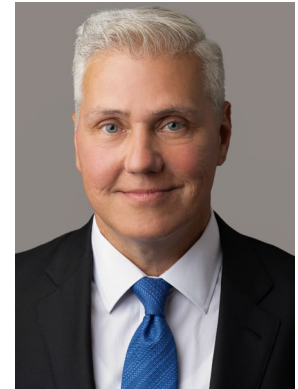
"Unparalleled effective assistance on bet-the-company type cases." - *The Legal 500, 2019*

"Paul Varela demonstrates 'excellent legal skills while remaining sensitive to the business needs of his clients,' report sources. One client comments: 'His ability to learn and understand the technical issues astounded me.'" - *Chambers and Partners, 2018*

Paul Varela counsels clients in contract planning, administration, and complex dispute resolution matters nationally and internationally in the engineering and construction industry. His broad range of legal experience includes government and private data centers, roads, bridges, tall buildings, nuclear and conventional power facilities, environmental remediation, biomedical centers, energy and chemical projects, airports, professional sports stadiums, pharmaceutical projects, mass transit, and other heavy construction projects, as well as embassies and all types of general building design and construction.

Paul has extensive claims negotiation and prosecution experience with private as well as state and federal government entities, and his expertise includes EPC and design-build, P3, government contracts, suretyship, and international construction. Paul is an authority on federal government contracting issues spanning compliance, bid protests and claim preparation, pricing, and dispute resolution. He has represented clients nationwide in jury and bench trials, mediations, arbitrations (AAA, ICDR, ICC, and ad hoc), boards of contract appeals, dispute review boards, and state and federal court for both domestic and international matters. Paul has represented clients on international projects in countries as varied as Egypt, Ghana, Afghanistan, Djibouti, Dubai, Lebanon, Chile, Mexico, Honduras, Tanzania, Australia, Spain, Cuba, and the United Kingdom.

Paul also frequently advises clients in key risk management issues. He has represented clients in the drafting and negotiation of complex engineering and construction contracts priced up to US\$8 Billion.



Education

College of William & Mary, J.D., 1989

William & Mary Law Review

University of Virginia, B.A., 1985

Bar Admissions

District of Columbia

Virginia

New York

Colorado (Inactive)



Honors

- Chambers and Partners – Band 1 Construction Law: 2005-2021
- One of only 10 Individuals Ranked by Chambers and Partners Nationwide for Construction
- Who's Who Legal Thought Leaders: Global Elite 2020 – One of only 6 Individuals Listed for Construction in the United States
- Best Lawyers in America, Construction Law and Construction Litigation Categories: 2009-2022
- Washington, DC's Best Lawyers, Construction Law and Litigation Categories: 2009-2022
- Virginia's Best Lawyers, Construction Law and Litigation Categories: 2010-2022
- Washington, DC Super Lawyers: 2010-2011, 2014-2021
 - "Top 100" List: 2019
- Virginia Super Lawyers: 2010, 2014-2021
 - "Top 100" List: 2016-2021
- The Legal 500 – Construction Category: 2013-2021
- Who's Who Legal: Thought Leaders – Construction: 2017-2021
- Finance Monthly Legal Awards – Construction Lawyer of the Year-USA: 2019
- Lawyer Monthly Legal Awards – Construction Lawyer of the Year-USA: 2018
- Finance Monthly Global Awards – Construction Category: 2016-2017
- Washington DC Legal Elite: 2010

Representative Experience

Construction Claims & Litigation

- Lead counsel responsible for construction and design aspects of two major international arbitrations conducted under the rules of the London Court of International Arbitration, with client receiving almost US\$50 Million in combined settlement proceeds prior to the consolidated hearing, representing approximately 95% of the claimed damages.
- Represented constructor making claims for delay, disruption and extra work against EPC contractor arising out of an industrial project in California; upon conclusion of main evidentiary hearing, AAA panel rendered award to client 30 times greater than the highest pre-award settlement offer, zeroed out the EPC contractor's counterclaim, and awarded prevailing party legal fees to client.
- Represented Japanese EPC contractor against a European civil contractor in an arbitration before the International Court of Arbitration of the International Chamber of Commerce arising out of the construction of a 600MW power plant in a remote region of South America. Defeated wrongful termination claims originally valued at almost \$100 Million, and Tribunal awarded client in excess of US\$11 Million, which included almost 100% of client's damages, legal fees, and expenses.
- Represented major design-build tri-venture contractor on a US\$1.5 Billion classified federal government data center project; following the first week of an 8-week, 10-party AAA arbitration hearing, successfully obtained a positive settlement payment to the client almost triple the best pre-hearing offer.



- Represented top American design-build contractor in upstream and downstream claims on a state-of-the-art industrial manufacturing facility for an Asian multinational corporation; helped client recover tens of millions US\$ representing all of its costs and almost 100 percent of its anticipated profit.
- Successfully represented global engineering/construction contractor in multiple disputes regarding the construction of a US\$500 Million, 738 MW power plant, including the default termination of a major subcontractor and a final settlement in which the Owner withdrew its claims of nearly US\$45 Million in their entirety and made a substantial affirmative payment to the client.
- Defended client in federal court jury action regarding the design and construction of a high-profile port infrastructure project, with damages sought in excess of US\$120 Million against client, and ultimately settled for one-half of one percent of that amount.
- Successful lead counsel in defeating US\$60 Million claim by Owner against EPC Contractor on a complex industrial facility; after a 4-week jury trial, the jury returned a verdict rejecting 100% of Owner's claims and awarding 100% of client's US\$8 Million counterclaim.
- Successful lead counsel in negotiating positive settlement for public Owner defending against US\$30 Million design claim on longest cathedral arch span bridge in the world, negotiated "no fault" termination of the Contractor and assisted in successful reprourement.
- Lead counsel defending against US\$40 Million delay, disruption and acceleration claim on a major transportation project, and successfully won partial Motions to Dismiss with award of attorneys' fees to the client pursuant to 42 U.S.C. § 1983.
- Successfully defended against construction and design defect claims on Major League Baseball stadium exceeding US\$43 Million and recovered approximately US\$30 Million for the client, having lead responsibility for the construction and design aspects of the case.
- On the fourth day of a 2-week AAA arbitration hearing, obtained a favorable settlement for EPC power Contractor defending against subcontractor claims originally valued in excess of US\$20 Million, based on cross-examination of subcontractor's first five witnesses.
- Received US\$5.76 Million AAA arbitration award for Contractor on claim against Owner on hotel project, including prevailing party legal fees of US\$165,500.
- Represented design-build Contractor for hydroelectric project asserting design and construction claims concerning Owner Furnished Equipment and defending against design and construction claims brought by Owner, successfully settling the lawsuit with an affirmative recovery of almost US\$40 Million and elimination of Owner's US\$25 Million counterclaim.
- Prepared or defended against numerous construction delay, disruption and acceleration claims and engineering defect claims ranging from less than US\$1 Million to more than US\$100 Million, many of which were successfully settled prior to trial through mediation or other form of ADR.
- Represented providers of professional services, including design, QA/QC, PM and CM services, in numerous complex professional liability actions brought by Owners, Contractors and Subcontractors.



Other Litigation

- Lead counsel in a complex commercial arbitration arising out of the expiration of a licensing agreement for technology used to produce organic compounds for various industrial and manufacturing applications; prior to hearing, successfully negotiated a favorable resolution, securing important rights for clients to market engineering and new patents developed under the agreement across global technology markets.
- Successfully defended client in 42 U.S.C. § 1981 action; after 3-day federal jury trial Claimants withdrew their case and formally acknowledged their claims had no legal or factual basis.
- Represented professional services client in multi-party triple wrongful death action arising from alleged design and QA/QC liability, and negotiated positive settlement for client prior to trial.
- Obtained successful jury verdict on US\$10 Million claim arising out of catastrophic industrial plant fire involving complex fire cause analysis.

Counseling

- Advises clients in the drafting and negotiation of complex engineering and construction contracts priced between US\$100,000 and US\$8 Billion.
- Frequently advises clients on federal government compliance, risk management and bid protests.

Memberships and Affiliations

- International Bar Association
 - Arbitration Committee
 - International Construction Projects Committee
- Washington Building Congress
 - Past Chairman's Council
 - Board of Governors, 1998 - Present
 - Chairman, Washington Building Congress Foundation, 2009-2010
 - Immediate WBC Past Chairman, 2009-2010
 - WBC Chairman, 2008-2009
 - WBC Vice Chairman, Secretary, Treasurer, Director, 1999-2008
- American Bar Association
 - Forum on Construction Law
 - Past Chair and Founding Steering Committee Member of Division 13 (Government Construction)
 - Litigation Section
 - Public Contract Law Section

Publications and Presentations

- Co-Editor: American Bar Association, Federal Government Construction Contracts (3rd ed. 2017) and co-author of Chapter 16, Litigating with the Federal Government.
- Co-Author: "Foreign Contractor and Subcontractor Claims Against the United States Government," International Construction Law Review, Volume 31, Part 1, January 2014.



- Co-Author: Chapter 9, Pricing of Construction Claims, American Bar Association, CONSTRUCTION ACCOUNTING - A Guide for Attorneys and Other Professionals (2010).
- Co-Author: District of Columbia State Review and Virginia State Review, American Bar Association, Design/Build Deskbook: The Complete Guide to Design/Build Contracting, Licensing, Insurance, and Procurement Requirements in the 50 States and Canada (4th ed. 2010).
- Moderator: "The Role of Insurance in Resolving Complex Construction Disputes," Construction SuperConference, Orlando, Florida, 2021.
- Presenter: "The Use of Nonbinding Mediation in Complex Construction Projects," European Society of Construction Law Webinar, 2021.
- Panelist: "Advocating Virtually at a Remote Arbitration Hearing," American Bar Association Webinar, Forum on Construction Law, Division 13, 2021.
- Moderator: "Affable Wolves: Risk Imbalances in the Fixed Price World," Construction SuperConference, Palos Verdes, California, 2019.
- Lecturer: "Project Schedule Delays: A Legal Perspective," Bocconi University, Milan, Italy, 2019.
- Speaker: "You Just Got a Call on a Public Project: Top 10 (Plus Bonus) Tips and Traps for the Uninitiated," American Bar Association Forum on Construction Law Midwinter Meeting, Los Angeles, California, 2019.
- Moderator: "The Deadly Sins of Contracting," Construction SuperConference, Las Vegas, Nevada, 2018.
- Speaker: "Best Practices and Tips to Avoid False Claims Act Violations," AGC Federal Contractors Conference, Pentagon City, Virginia, 2018.
- Panelist: "How to Maximize Efficiency in a Complex Case," 2018 American Arbitration Association Construction Conference, Santa Monica, CA, 2018.
- Keynote Speaker: "Philosophical Underpinnings of Standard Form Construction Contracts in the United States," Bocconi University, Milan, Italy, 2017.
- Panelist: "The Death of Design-Bid-Build: Mitigating Risk for the General Contractor in Today's Procurement World," Construction SuperConference, Las Vegas, Nevada, 2016.
- Co-Author: "D.C. Circuit Court Reaffirms Protections Afforded to Government Construction Contractor's Internal Investigation," Government Construction, Volume 2, Issue 1, March 2016.
- Moderator: "Are Construction Lawyers and Consultants Becoming Commoditized?," Construction SuperConference, San Diego, California, 2015.
- Moderator: "Getting Paid on Public Projects," American Bar Association Forum on Construction Law, MCLE Webinar Presentation, 2015.
- Co-Author: "Finally - A Different Result for a Government Contractor's Differing Site Condition Claim," Under Construction, American Bar Association Forum on Construction Law Newsletter, Volume 17, Number 1, January 2015.
- Panelist: "It's Getting Hot in Here: Today's Energy and Power Construction Market," Construction SuperConference, Las Vegas, Nevada, 2014.
- Speaker: "Best Strategies and Tactics for Using Mediation to Resolve Complex Construction Disputes," Annual Conference of The European Society of Construction Law, Milan, Italy, 2014.



- Lecturer: "The Formation of International Joint Venture Agreements in the Construction Industry," Bocconi University, Milan, Italy, 2014.
- Co-Author: "Finally – A Different Result for a Government Contractor's Differing Site Condition Claim," Government Construction, Volume 1, Issue 1, October 2014.
- Speaker: "Practitioners' Tips from the Trenches in Government Construction Contracts," Division Program Lunch, American Bar Association Forum on the Construction Industry, Annual Meeting, New Orleans, Louisiana, 2014.
- Moderator: "Nip-Tuck: Does Construction Arbitration Need a Facelift?" Construction SuperConference, San Francisco, California, 2013.
- Lecturer: "Corruption Risk Mitigation for International Joint Ventures in the Construction Industry," Bocconi University, Milan, Italy, 2013.
- Co-Author: "Mediation: When, How, and the Human Element," Inter-Pacific Bar Association Annual Meeting, Seoul, Korea, 2013.
- Lecturer: "Remedies of the Contractor Against the Construction Manager and Designer Under American Law," Bocconi University, Milan, Italy, 2013.
- Panelist: "When the Owner Stumbles: How to Prepare for and Limit the Costly Effects of an Owner's Bankruptcy," AGC of America's 2013 Conference on Surety Bonding and Construction Risk Management, Naples, Florida, 2013.
- Panelist: "Government Contracting Abroad," Construction SuperConference, San Francisco, California, 2012.
- Lecturer: "Risks in Work Overseas," American Society of Civil Engineers, New York, New York, 2012.
- Session Coordinator: "You Told Our JV Partner What!?!?! Ethical Issues in Creating, Maintaining and Operating Joint Ventures," American Bar Association Forum on the Construction Industry Midwinter Meeting, Houston, Texas, 2012.
- Session Chair: "Strategic Alliances for Success," Construction SuperConference, San Francisco, California, 2011.
- Panelist: "Determining Acceptable Risk in Today's Hyper-Competitive Marketplace," Construction SuperConference, San Francisco, California, 2010.
- Speaker: "Modern Litigation as 'DR'," Pearlman Association Annual Conference, Seattle, Washington, 2010.
- Session Chair: "The Risks and Rewards of Program Management as a Project Delivery Method," Construction SuperConference, San Francisco, California, 2009.
- Panelist: "Managing Risk in Today's Marketplace," Construction SuperConference, San Francisco, California, 2008.
- Session Chair: "Making Money with Sustainable Design and Alternative Energy," Construction SuperConference, San Francisco, California, 2007.
- Speaker: "Mitigating Public Objections to Public-Private Partnerships," Western Association of State Highway and Transportation Officials (WASHTO) Annual Conference; Las Vegas, Nevada, 2007.
- Session Chair: "Strange Bedfellows: How to Participate in a Public-Private Partnership Without Losing Your Shirt," The Contractor and Construction Manager Issues SuperConference; San Francisco, California, 2006



- Speaker: "Public-Private Transportation Projects: A New Way to Allocate Risk;" Nevada Street & Highway Conference, Reno, Nevada, 2006.
- Panelist: "Construction Management - A Concept in Search of a Definition;" The Contractor and Construction Manager Issues SuperConference; San Francisco, California, 2005.
- Speaker: "Fundamentals of Construction Contracts;" 80th Annual National Bar Association Conference; Orlando, Florida, 2005.
- Speaker: "Risk Management: How to Optimize Your Construction Project;" Construction Management Association of America (CMAA); Baltimore, Maryland, 2004.
- Speaker: "How All Parties Can Achieve Their Goals on an EPC Contract: The Owner Gets the Output He Expects on the Anticipated Date and the Equipment Supplier and Contractor Make Money;" Forbes Construction Conference; San Francisco, California, 2002.
- Speaker: "Selecting a Winning Project: Pre-Bid Risk Assessment;" National Electrical Contractors Association's 100th Anniversary National Convention; Washington, DC, 2001.
- Speaker: "Electronic Procurement in the Engineering & Construction Industry;" Forbes Construction Conference; San Francisco, California, 2000.
- Speaker: "The Contracting Professional as a Business Manager;" National Contract Management Association; Kansas City, Missouri, 2000.
- Speaker: "Cost Effective Dispute Resolution," National Electrical Contractors Association, D.C. Chapter, Annual Meeting, Cayman Islands, 2000.
- Lecturer: "Government Contracts Law," Marshall-Wythe School of Law, College of William & Mary, Williamsburg, Virginia, 1993-99.
- Speaker: "Government Construction Contracting" and "Proving Construction Contract Damages," Federal Publications, Various Locations, 1999.