



## Adam C. Dawson

Partner

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Adam Dawson maintains a diverse civil litigation practice emphasizing construction, real estate, hospitality, and gaming. Adam has over three decades of experience representing all sides of real estate and construction disputes involving hotels, office buildings, retail stores, warehouses, waste treatment facilities, power plants, and airports. Uniquely, his practice combines expertise in both real estate law and construction law.

In a construction dispute, Adam will understand both the underlying documentation as well as the roles and responsibilities of all the participants. Not many lawyers can say that. In a major project, a dispute often relates to why the work took longer than it should, why the cost was higher than agreed to, or who was responsible for missteps. Adam can review the schedule, specifications, and voluminous records to determine whose responsibility the delay was. Where there were overlapping responsibilities, he can identify a shared delay or problem from a morass of project plans and technical details – for example, an owner who may have changed the project specifications, so the original plan became unworkable. If the answer is there, Adam will find it, and will be able to clearly and convincingly explain it.

He has also represented clients in every conceivable position involving real estate in his career -- both landlords and tenants in complex commercial lease and development agreement disputes; owners, managers and developers in real property disputes, including those involving easements, joint ownership and the partition of jointly owned property. Adam can evaluate lease terms governing whether/how a tenant can make changes to a building, and determine how those terms apply in a subsequent dispute over construction and tenant improvements or rent calculations. He has represented public owners, financial institutions, and private individuals and companies in trials, arbitrations, and mediations relating to real estate.

Three decades of experience have also given Adam exceptionally acute judgment regarding the degree to which to involve the client in the day-to-day operation of a matter. While some clients want information about what's happening, and others don't want to be bothered, Adam excels at delivering a balanced compromise. He will provide status reports that communicate "Here's what's come up, here are the decisions I've made" – keeping clients up to speed, but without burdening them with unnecessary or redundant details. He gives direct advice based on experience and deep thought about what he'd do, asks for approval and answers questions, but does not simply barrage clients with decisions for them to make.

Adam is a potent force in both negotiations and at trial. When possible, he prefers to begin by trying to gather enough information to be able to effectively negotiate early nonjudicial resolutions. In almost all cases, early attempts at resolution through mediation or settlement negotiation make sense. Adam has the ability to communicate with people who are under pressure professionally and his deft touch can often make the difference between a successful negotiation and unnecessary conflict. When it is clear that trial or arbitration is the only way to resolve a dispute, Adam is a highly trained and experienced trial lawyer who, along with being an advocate, is trained and acts as an arbitrator. Step by step, Adam moves to a resolution. His opponents respect his expertise. And his clients trust his judgment.

Adam has lectured and taught classes relating to depositions, litigation strategy and techniques and has written articles relating to ADA compliance, mediation of construction claims and lease interpretation issues.

### Services

- Construction
- Real Estate
- Real Estate Litigation
- Cannabis
- Data Center
- Renewable Energy

### Education

- University of California, Berkeley, School of Law (J.D., 1988)
  - . Executive Editor, *Ecology Law Quarterly*
- Reed College (B.A., 1983)
  - . Political Science

### Bar Admissions

- California

## Distinctions

- Recommended, *Legal 500 United States* - Construction (2021)
- *PLC Which Lawyer?* in Construction
- *The Best Lawyers in America* in the area of Construction Law (2021-2022)

## Experience

### Regional Wastewater Treatment Plant

Represented Monterey Regional Water Pollution Control Agency in defending multimillion dollar claims by the contractor concerning the design and construction of secondary treatment plant.

### FelCor

We have represented FelCor, a Texas REIT and operator of Holiday Inns' hotels in San Francisco, in an appeal in front of the San Francisco Handicap Access Board of Appeals, resulting in the exemption of a Hotel's parking facility from compliance with certain access requirements. We also have represented FelCor in disputes relating to its centralized operation of and advertisement for several Holiday Inn hotels, and the allocation of and accounting relating to associated costs and fees. Through a mediation process involving accountants and industry experts, we were able to structure a resolution between the owners and operators relating to both past and future practices.

### General Electric Transportation Systems, Global Signaling, LLC

Represented General Electric Transportation Systems, Global Signaling, LLC in a multi-million dollar breach of contract dispute with Bay Area Rapid Transit (BART) related to the development of an experimental computerized system that would automatically control BART trains using adapted military technology.

### San Diego Expressway Toll Road

State Route 125 South (SR 125) is a limited access toll road in San Diego County, California. It was one of the first, and to date largest, Public-Private Partnership (PPP) projects in California. We defended our developer clients against about \$500 million in claims related to the development, design and construction of the toll road, including many issues of first impression regarding PPP financing of design-build infrastructure, and pursued a number of counterclaims valued at about \$100 million.

### AP Companies, LLC v. Kriti Properties (2d Dist. Court of Appeal 2010)

Defended an appeal from a trial court judgment confirming an arbitration award in favor of our clients, and prevailed on our cross-appeal to have the judgment amended to have an alter ego named as a joint judgment debtor.

### Mare Island Naval Shipyard (former)

Represented a subsidiary of CH2M Hill in litigation arising out of the environmental investigation and remediation of the former Mare Island Naval Shipyard in Vallejo, California.

### Fujian Pacific Electric Co. – Coal-Fired Power Plant

Represented Fujian Pacific Electric Co. in prosecuting claims for liquidated damages and defending claims for delay, bonus payments and extra work, arising out of a coal-fired power plant in Fujian Province, Peoples Republic of China.

### **Nuclear Test Technology Complex**

Represented Lawrence Livermore National Laboratory in a dispute involving more than \$5 million in claims for delayed completion, cost overruns, and deficient design arising from the architectural and engineering services provided for the design and construction of the Nuclear Test Technology Complex, a laboratory and office center.

### **Plastic Pipe Water Distribution Systems Failures**

Represented the Marin Municipal Water District, Alameda County Water District and the City of Fresno pursuing claims for millions of dollars in damages for past and future plastic pipe failures within their water distribution systems.

### **Transmission Lines and Power Plants**

Represented the Turlock Irrigation District in a variety of matters, including disputes arising out of the construction of transmission lines and power plants.

## **Publications**

September 1, 2020

### **Construction Dispute Resolution**

*Real Estate Webinar Series*

1/17/2018

### **Working With a Commercial Cannabis Tenant**

3/15/2016

### **Negotiating Consequential Damages Waivers**

## **Outside the Office**

Like his practice, Adam has a wide range of capabilities. He has climbed mountains throughout North America and Nepal, and still plays Ultimate Frisbee and runs long distances. If you meet him in his office, he can show you the over 300 shot glasses he's collected from his world wide travels.



