



Josh Leavitt

Principal

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Josh advises his clients on a broad range of construction law matters, including disputes, contracts, and counseling on industry risk. Co-chair of the Much Construction Law practice, he has more than 35 years of construction law experience and is an elected Fellow of the American College of Construction Lawyers.

Josh has significant knowledge of the construction industry and represents several worldwide leaders in the construction space, as well as middle-market companies. He has handled all manner of construction law matters for both domestic and foreign clients across the full spectrum of industry participants, including owners, contractors, architects, engineers, suppliers, manufacturers, developers and commercial landlords and tenants. He has handled matters involving dozens of building systems and technologies, on a variety of building and project types, including:

- Stadiums and recreational facilities
- Process, manufacturing and chemical plants
- Air separation units and other specialized facilities
- Oil refineries, alternative energy power plants, wind farms and utilities
- Hospitals and other medical buildings
- Museums and theaters
- Rail and airports
- Industrial buildings and warehouses
- Foundries
- Boilers, furnaces, heat exchangers, hydraulic cylinders, wind turbines, and other large equipment installations
- High-rises, condominiums, co-ops, residences, hotels and parking garages
- Government buildings
- Roads, bridges and tunnels
- Quarries and breakwaters
- Universities and lower, middle and high schools
- Modular installations

On the disputes side, Josh has handled a wide variety of claims, often related to defective design and construction, scheduling, delay, disruption, interference, efficiency loss, out of sequence work, cost overruns, mechanics lien, wrongful termination, extra work, change orders, fraud, lending, insurance coverage, bonding, green building/sustainability, and commercial lease disputes. While experienced in traditional litigation, Josh is a frequent user of alternative dispute resolution techniques, including creative forms of mediation and arbitration. He has presented and cross-examined numerous expert witnesses, including structural, mechanical, soil, instrumentation, control system, process and chemical engineers; material scientists; roofing, HVAC, and other building system consultants; standard of care, estimating, scheduling and damages experts; and numerous design professionals and builders.

Josh has substantial experience in litigating general commercial and non-construction disputes involving antitrust issues, trade secret misappropriations, private equity and shareholder disputes, commercial leases, contested wills, lending, government investigations and regulatory matters. Many have been high-profile disputes valued in excess of \$100 million. Additionally, he is experienced in electronic discovery issues.

On the transaction side, Josh counsels clients on delivery system selection, contract negotiation and risk management. Josh has drafted, negotiated and/or advised clients regarding a wide range of construction, design and EPC project agreements. His litigation experience gives him additional insight into particular contract provisions. Josh also advises

clients on contractor and A/E licensing matters.

Josh is often called upon to identify and mitigate risk in connection with M&A transactions in the construction and engineering sectors. Josh has led due diligence efforts in industry acquisitions and reorganizations involving some of the world's leading construction and engineering firms. His deep industry experience enables him to help clients identify, assess and address risks of troubled projects for both sell-side and buy-side engagements.

Josh frequently lectures and writes on construction and design law topics, including delay and disruption claims, construction damages, liability of design professionals and contractors, electronic discovery, successful mediation and arbitration strategies, drafting ADR clauses, wrongful termination, construction defects, claims prevention techniques, working with expert witnesses, negotiating and drafting contracts, changes to industry form contracts, advanced and emerging delivery system choices, construction law issues on global infrastructure and P3 projects, insurance coverage, lending, green building/sustainability, 3D printing and other cutting edge technology and due diligence in construction industry acquisitions.

Josh has been a frequent panelist for Practising Law Institute's (PLI) leading national construction law symposium in New York. He has also served annually since 2007 as a panelist for PLI's Commercial Real Estate Institute and more recently as the event's national co-chair. Additionally, Josh has presented to the prestigious Engineering and Construction Risk Institute. He also was a featured panelist at the ADR Summit organized by the ABA Forum on Construction Law.

Education

New York University School of Law
J.D., 1985

Yale University
B.A., 1982, Economics

Bar Admissions

Illinois

Court Admissions

U.S. District Court for the Northern District of Illinois

Trial Bar for the Northern District of Illinois

Professional Organizations

- American College of Construction Lawyers, elected in 2010
- Society of Illinois Construction Attorneys, elected in 2005 and has held senior leadership positions since 2012, including President
- American Bar Foundation, Fellow

Community

Among a number of philanthropic causes and volunteer activities, Josh was appointed by his local school board to serve on a committee that oversaw a large high school design and construction project.

Accolades

- *Chambers USA*, Band 1, Construction, Illinois, 2022 (recognized since 2007)
- *The National Law Journal*, Real Estate/Construction Law Trailblazer, 2021
- American College of Construction Lawyers, elected in 2010
- Society of Illinois Construction Attorneys, elected in 2005 and has held senior leadership positions since 2012, including President
- Illinois Super Lawyers, 2006-2022
- Best Lawyers in America, 2009-2022
- Leading Lawyers Network, Construction Law and ADR Law: Commercial Real Estate, Environmental & Construction, 2008-2022
- *Martindale-Hubbell Law Directory*, AV Preeminent® for 20 years
- Construction & Real Estate Expert Guide, Leading Practitioner, 2019

Chambers USA 2022

Super Lawyers

Leading Lawyers

Martindale-Hubbell - AV Preeminent

Services

Litigation & Dispute Resolution
Construction
Policyholders' Insurance Coverage

Areas of Focus

Alternative Dispute Resolution
Alternative Energy & Green Building
Construction Contracts
Construction Disputes
Construction Industry Insurance, Title Insurance & Surety Bonds
Construction Industry Mergers & Acquisitions
Construction Lending & Development
Construction Licensing & Regulatory Matters
Construction-Related Bankruptcies & Workouts
Labor & Employment Issues in Construction
Intellectual Property Protection in Construction