



## PATRICK J. GREENE, JR.

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## PARTNER

Patrick Greene is a senior partner in the firm's Construction and Infrastructure Practices and co-chair of Peckar & Abramson's Government Contracting & Infrastructure Practice, leading the firm's state and local government contracting efforts. In nearly 40 years of practice, Pat has advised some of the nation's largest construction contractors, construction managers and design/builders regarding performance and compliance issues in contracting in the public and private sectors, including, especially, state and federal government contracting.

Pat has helped guide performance on large, complex domestic and international construction projects, including coal, gas and solar powerplants, interstate roadways, bridges and vertical construction. He has also prepared numerous complex claims and orchestrated the resolutions of complex extra work, delay and impact claims running into hundreds of millions of dollars. Pat has appeared as lead counsel in multiple venues including state and federal courts and domestic and international arbitration tribunals. He has also defended against subcontractor claims and against defective work and delay claims asserted by owners and others.

Notably, Pat has successfully presented the seminal Construction Lien Law case before the New Jersey Supreme Court, and tried one of the largest, most complex cases in the history of the United States General Services Board of Contract Appeals (GSBCA). As a result of representing numerous federal contractors, he is especially knowledgeable regarding the Federal Acquisition Regulation (FAR).

An important consideration in defense against defective construction work claims is the availability and application of insurance coverage under commercial general liability, professional malpractice and subcontractor default insurance policies. Pat and his team are well versed in the complexities of obtaining coverage for occurrences involving construction defects under standard and nonstandard insurance provisions. They also advise regarding the establishment and maintenance of insurance programs, including issues of cost recovery and disclosure under pertinent contract provisions and regulations, such as the FAR cost principles and regulations associated with project funded by federal, state and local governments.

Recent representative cases include:

- Represented a design-builder during construction of a more than \$1 billion State Department of Transportation Interstate Roadway project, including preparing claims against its design consultant and successfully pursuing those claims through an arbitration that resulted in a +\$10 million award in 2020.

# BIOGRAPHY **CONTINUED**

- Represented an international supplier of turbine and energy generation equipment against more than \$30 million in claims arising out of the alleged late delivery of equipment to the then largest solar-generating facility in the world, successfully defeating such claims in international arbitration held in New York City with an award rendered in 2020.
- Represented a multi-national joint venture in international arbitration conducted in Vancouver B.C. in defending against delay liquidated damages and asserting delay and disruption damages arising out of design and construction of more than \$1 billion of electrical transmission towers, lines and related equipment in the Canadian Rockies, resulting in a favorable award of more than \$100 million for the design-builder in 2018.
- Successfully obtained dismissal, on behalf of multiple New York construction industry clients, of multiple US False Claims Act cases filed in the United States District Court, Southern District of New York in separate cases in 2018 and 2019.
- Obtained a successful international arbitration award in favor of an international EPC Contractor in defense of claim asserted by its supplier of Heat Recovery Generators with respect to a combined-cycle power plant project in Saudi Arabia, in an international arbitration held in New York City culminating in 2017.

Pat has been recognized as a leading construction lawyer by *Best Lawyers in America*, *The International Who's Who of Construction Lawyers*, and *New Jersey and New York Super Lawyers*. He is a Fellow of the Construction Lawyers Society of America and has been an active participant and leader among organizations such as the ABA Forum on the Construction Industry, Public Contract Law Section and ABA Construction Litigation Committee. Most recently, he has served as co-chair of P&A's Covid-19 Task Force and has published articles and presented programs focusing on the construction industry's response to the crisis.

## HIGHLIGHTS

### **ADMISSIONS:**

- State of New Jersey
- State of New York
- Supreme Court of New Jersey
- New York Supreme Court — Admitted in Third Department
- United States District Court for the District of New Jersey
- United States Court of Federal Claims
- United States Court of Appeals for the Federal Circuit (by admission to the former U.S. Court of Claims)
- United States Court of Appeals for the Third Circuit
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York

### **EDUCATION:**

- St. Peter's College, B.A.
- Georgetown University Law Center, J.D.

# HIGHLIGHTS **CONTINUED**

## **PRACTICE AREAS:**

- Construction and Infrastructure
- Government Contracts
- Construction Dispute Resolution
- COVID-19 Task Force
- International Construction and Infrastructure
- Corporate Compliance and Integrity Counsel
- Public-Private Partnerships
- Power and Industrial Facilities/EPC

## **MEMBERSHIPS:**

- Construction Litigation Committee of the Litigation Section of the American Bar Association, past co-chairman and past publications editor
- New Jersey State Bar Association Construction and Public Contract Law Section, past co-chairman

## **AWARDS AND RECOGNITIONS:**

- *Chambers USA*, Construction Law, New Jersey, 2020 - 2021
- *Best Lawyers*, 2007 - 2023
- *Best Lawyers* "Lawyer of the Year" in Litigation - Construction - Hackensack region, 2021 - 2022
- *The Legal 500: United States*, "Recommended Lawyer," 2022
- *Who's Who Legal: Construction*
- *New Jersey Super Lawyers*, 2007 - 2021
- *New York-Metro Super Lawyers*, 2009 - 2022
- *Bergen Magazine*, Top Lawyer - Construction, 2020

## **PUBLICATIONS AND PRESENTATIONS:**

- "Federal Government Contracting: Year in Review," Peckar & Abramson webinar, January 2022
- "The More the Merrier: Trials and Tribulations of Presenting and Defending Construction Claims Involving Class Actions, Multi-Plaintiff and Multi-Defendant Jury and Bench Trials," Construction SuperConference, December 2021
- "2021 Construction Law Forum," New Jersey Institute for Continuing Legal Education and NJSBA Construction Law Section, June 2021.
- "Federal Government Contracting: Year in Review-Construction Edition," Peckar & Abramson Webinar, January 2021.
- "Federal Government Contracting: Year in Review," Peckar & Abramson Webinar, December 2020.
- "Representations and Certifications: Implementing Processes to Protect Executives and the Company," *Construction Executive*, July 2020.
- "Analysis- Virus Related Legal Issues," *Third Thursdays with the Construction Super Conference (CSC)*, July 2020.
- "COVID-19 Site Safety Protocols and Revised OSHA Enforcement Guidance," South Florida AGC Webinar, June 2020.
- "Going Back to Work – Starting or Restarting a Construction Project During the Pandemic," *Peckar & Abramson Client Alert*, May 2020 (co-author)
- "COVID-19 Damage and Time Recovery: Contract Checklist and Analysis," *Peckar & Abramson Client Alert*, April 2020.

# HIGHLIGHTS CONTINUED

- “You’ve Been Suspended - Were You Ready?” *Peckar & Abramson Client Alert*, March 2020 (co-author)
- “But the Termination Is Not Convenient: Use of the Termination for Convenience Clause and Determining Costs Arising in a Termination for Convenience”, Construction SuperConference, December 2019.
- “Fundamentals of Construction Law: Learning from the Pros,” presented by the American Bar Association, November 2016.
- “Site Conditions: Are They Different?” presented with Langan Engineering, September 2016.
- “Yes, You Can Try a Construction Case: Planning and Handling a Construction Trial from Voir Dire to Closing Argument,” ABA East Coast Regional Construction Trial Program, March, 2016.
- “Asserting, Proving and Quantifying Subcontract Claims,” *Construction Subcontracting: A Comprehensive Practical and Legal Guide*, May 2014.
- “Construction Law Basics,” West Orange, NJ, March, 2014.
- “Ethical Lapses and Criminality in Construction Procurement and Staffing,” Construction SuperConference, December, 2013.
- *Construction Accounting: A Guide for Attorneys and Other Professionals*, 2010 (edited by Patrick J. Greene, Jr., et al.).
- “What Every Construction Lawyer Should Know About the Stimulus Act.” Breakfast Club in New York City, December 7, 2010.
- “What Every Lawyer Needs to Know about the Economic Stimulus Act,” December 6, 2010.
- “Use of Subguard Insurance on Government Contracts: Insurance for Government Contracts,” October 26, 2010.
- “Subcontractor Failures: What Can You Do To Minimize the Risk and Seek Aggressive Recovery?” September 30, 2010.
- “Contracting With State and Local Governments and Private Parties on Projects Funded by the Stimulus Act,” June 11, 2010.
- “The Age of Turbulence: Plenary 5: Damages Beyond the Contract,” Moderator, Austin, TX, April, 2010.
- “Recent Ethics Regulations Amending the FAR,” *Construct!*, Winter 2009 (William W. (Tom) Thompson and Patrick J. Greene, Jr.).
- “New Opportunities,” *Building & Construction Northeast*, Fall 2009 (William W. (Tom) Thompson and Patrick J. Greene, Jr.).
- “Stimulus Funds,” *Building & Construction Northeast*, Autumn 2009.
- “The New Stakes in Doing Business with the Federal Government” by *Construct!*, Vol. 16 No. 3, Summer 2007 (Adrian L. Bastianelli, III and Patrick J. Greene, Jr.).
- “Defending a Civil False Claims Act Case: Practical Considerations,” American Bar Association Forum on the Construction Industry, September 2007.
- “New Jersey’s Lien Laws: Update,” 2001 through 2016.