



# Joseph A. McManus Jr.

SHAREHOLDER

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## Overview

Joe McManus focuses his practice on government contracting, construction litigation, and dispute resolution. With more than forty years of experience in federal government contracts, Joe is intimately familiar with the federal statutes, regulations, and agency supplements unique to government supply, service, and construction contracts. Joe has represented clients on a variety of projects, including airports, hospitals, hotels and resorts, public-private projects, embassies, condominiums, office buildings, roads, and power plants. He has deep experience in infrastructure and transportation matters, as well as aviation and health care matters.

In addition to his extensive contract drafting experience, Joe has litigated construction disputes in state and federal courts and before boards of contract appeals for owners, general contractors, architects, engineers, subcontractors, and suppliers.

He is an active arbitrator on local, national, and international cases. He is on the construction and international panels of the American Arbitration Association (AAA), the International Centre for Dispute Resolution (ICDR), and an arbitrator with the International Institute for Conflict Prevention & Resolution (CPR). He has been involved in multiple extensive arbitrations in the Caribbean, with both public bodies and private contractors, and has represented electrical contractors in both Iraq and Afghanistan. He has also represented Associated General Contractors (AGC), Mechanical Contractors Association of America (MCAA), and Associated Specialty Contractors (ASC) in the development of AIA standard form construction contracts.

Joe is a past president of the American College of Construction Lawyers (ACCL), an invited association of the leading construction law practitioners, professors, and judges. He is a fellow of the Chartered Institute of Arbitrators (CIArb), the Litigation Counsel of America (LCA), and the Construction Lawyers Society of America (CLSA).

Joe is a frequent author on construction law topics and has served as an expert witness on construction contracts and administration in the United States and the Caribbean. He previously served as general counsel to a major construction contractor and as a captain in the U.S. Air Force Judge Advocate General's (JAG) Corps assigned to the Armed Services Board of Contract Appeals.

## Experience

## **Construction Law**

Joe advises clients during all phases of construction.

He assisted in the negotiations between the Associated General Contractors of America (AGC) and the American Institute of Architects (AIA) on their standard form documents, which the AGC was asked to approve and endorse (1987 edition). In 1997, he was asked to perform the same services for the subcontractor trade associations Mechanical Contractors Association of America (MCAA) and Associated Specialty Contractors (ASC). He developed a legal analysis of the AIA documents and delivered a program on contract documents for AGC chapters around the country.

Joe has appeared as an expert witness in federal and state courts in the United States, and the Caribbean, involving construction contract documents. He is also a skilled litigator and has tried jury trials in Virginia and the District of Columbia for subcontractors and contractors.

## **Dispute Resolution**

Joe has served as mediator and is in a special group of mediators within the American College of Construction Lawyers (ACCL), which explores difficulties and barriers to achieving a successful settlement, examines deadlock-breaking techniques, and promotes creative options for parties.

## **Arbitration**

Joe has been an American Arbitration Association (AAA) arbitrator since 1978. He is a panel member for large, complex construction and commercial cases.

Examples of Joe's experience as an arbitrator include:

- Serving as sole arbitrator on cases for:
  - Office buildings (multiparty)
  - Public facilities (utility contractor)
  - Numerous residential projects
  - Schools (masonry subcontractor)
  - Transmission towers
  - Maryland Intercounty Connector road and tunnel project
  - National franchise agreement (structural precast)
- Serving as panel arbitrator on numerous cases, including international \$20 million port terminal leasing dispute
- Serving as panel chair with two retired federal court judges as panel members on government contract (prime/subcontract) dispute involving the Affordable Care Act
- Serving as consolidation arbitrator on Las Vegas casino arbitrations

As an advocate, Joe has arbitrated private and governmental cases to award throughout the United States. Clients include:

- Fiber optic contractor against subcontractor
- Retirement home owner against architect
- Landowners class against beach bulkhead contractor
- National retail developer against contractor

- Hotel owner against the general contractor and its surety

### **International Arbitration**

Joe is a fellow of the Chartered Institute of Arbitrators (CI Arb), a London-based fellowship dedicated to the teaching and advancement of international arbitration. He has been arbitrating international cases (as advocate) for many years and is intimately familiar with international arbitration rules and practices.

Examples of his international arbitration cases include:

- Represented U.S. design-build contractor in Afghanistan under a USAID contract in arbitration with Indian subcontractor on 101-kilometer road building contract
- Represented general contractor in arbitration against a resort owner in Nassau, Bahamas
- Represented general contractor in settling arbitration in Bahamas during mediation process
- Represented joint venture contractor in arbitration with the Bahamian government
- Arbitrated case for the general contractor against resort developer to \$5 million arbitration award and through enforcement action in the Turks & Caicos. The case originated in the Turks & Caicos Islands but was eventually heard before the Privy Council in London and a landmark decision rendered in favor of the firm's client.
- Mediated settlement for the government of Barbados (on the eve of arbitration) on a \$40 million dispute for a 380-room hotel project in Barbados
- Mediated settlement for the government of Barbados in arbitration against the project architect in Barbados
- Settled a dispute against the client (owner) by the general contractor on a resort facility during the mediation process in St. Lucia
- Joe also serves as arbitrator on international cases. In 2017, the Bahamas Supreme Court ordered a resort development construction case stayed pending arbitration and appointed Joe as sole arbitrator.
- Among his other international cases as arbitrator are:
  - Dispute regarding cellular tower installation in Puerto Rico
  - American Arbitration Association's International Centre for Dispute Resolution (ICDR) panel for a case involving cruise line operations between Maine and Canada

### **Government Contracts**

Joe has been consistently working in federal government contracts since 1972 and has extensively published in the federal contracting arena. As a captain in the U.S. Air Force Judge Advocate General's (JAG) Corps, he was assigned to the Armed Services Board of Contract Appeals. Working under Chief Judge Richard C. Solibakke, he wrote decisions for judges on the ASBCA appeals including air-separation facilities, foreign base housing, and SSN-680 nuclear submarines.

As a litigant, Joe appears before agency boards of contract appeals, the U.S. Court of Federal Claims, district courts, and the U.S. Government Accountability Office (GAO). Many of Joe's cases involve state and local governments, agencies, and instrumentalities nationwide. He has deep experience in public transportation matters.

## All Insights

04.21.2021 Public Construction Contracting: Perspectives of the Contractor

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02.09.2021 Government Contracting Phase One: Transitioning From Commercial to Government Work

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05.15.2017 When and How to File a Federal Contract Claim  
*Construction Law Handbook*

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07.23.2015 Successfully Representing Contractor Clients in Government Contract Claims  
*Inside the Minds: Litigation Strategies for Government Contracts*

## All News

04.27.2021 2021 Washington, D.C. Super Lawyers Recognizes Carlton Fields Attorneys

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09.22.2020 Carlton Fields Enhances Its Nationally Recognized Construction Services with Launch of Centinel Consulting

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04.17.2020 Washington, D.C. Super Lawyers Honors Carlton Fields Attorneys on 2020 Lists

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01.28.2020 Legal Steps for Shutting Down a Dangerous Jobsite

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08.27.2019 The Dotted Line: When Contractors Can Walk Off the Job

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08.14.2019 Carlton Fields Adds Five Attorney Team to DC Construction Group

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08.01.2019 Carlton Fields Expands Renowned Construction Practice

## Recognition

- AV Rated by Martindale-Hubbell
- *Who's Who Legal, Construction* (2020)
- Listed in *The Best Lawyers in America*
- Washington, D.C., Super Lawyers, Construction Litigation, *Super Lawyers Magazine* (2020–2021)

## Professional & Community Involvement

- International Institute for Conflict Prevention & Resolution
- American College of Construction Lawyers

- Former President
- American Arbitration Association
  - Construction Mega – Project Panel of Arbitrators
  - Large Complex Case Panel of Arbitrators
- American Bar Association
  - Section of Public Contract Law
- The Arbitration & Mediation Court of the Caribbean
  - Panel of Arbitrators
- Associated Builders and Contractors, Metro Washington Chapter
- Construction Lawyers Society of America
  - Fellow
- Chartered Institute of Arbitrators
  - Fellow
- Litigation Counsel of America
  - Fellow
  - Diversity Law Institute
  - Trial Law Institute
- Society of Construction Law
- United States Veterans Association
- Washington Building Congress

## Speaking Engagements

- "Staying Safe in a COVID-19 World: Corporate Due Diligence and Job Site Safety for Construction Companies," Carlton Fields (December 8, 2020)
- "Coronavirus Impact on Construction Contracts: Public Contracts - Government Procurement Policies," WPL Publishing Company Webinar (March 25, 2020)
- "Maximizing Dollar Recovery on Government Contracts," Associated Builders and Contractors of Metro Washington Seminar Presentation, Washington, D.C. (November 30, 2016)
- "Identification & Notification of Claims: Overcoming the First Obstacles to Successful Recovery," WPL Publishing Company Teleconference Presentation (September 2014 and October 2015)

## Credentials

### EDUCATION

- Duke University School of Law (J.D., 1972)
- College of the Holy Cross (B.A.,

### COURT ADMISSIONS

- U.S. Court of Appeals, D.C. Circuit
- U.S. Court of Appeals, Fourth Circuit

1969)

#### BAR ADMISSIONS

- District of Columbia
- New York
- North Carolina
- Georgia
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Federal Claims
- U.S. District Court, District of Columbia
- U.S. District Court, Northern District of Georgia
- U.S. District Court, District of Minnesota
- U.S. District Court, Eastern District of North Carolina
- U.S. District Court, Middle District of North Carolina
- U.S. District Court, Western District of North Carolina

## Background

- Partner, McManus & Felsen LLP, Washington, D.C.
- General Counsel, Clark Enterprises Inc. (parent of Clark Construction) (1979–1984)
- Private practice in Atlanta, Georgia (construction, government contracts, and litigation) (1976–1979)
- Captain, Judge Advocate General's Corps, Armed Services Board of Contract Appeals, U.S. Air Force, Washington, D.C. (1972–1976)

## Areas of Focus

#### PRACTICES

- Alternative Dispute Resolution Services
- Construction Litigation
- Construction Transactions
- Government Contracts
- International Arbitration of Construction Contracts

#### INDUSTRIES

- Construction