



James E. Hughes

Partner



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James E. Hughes is a partner in the Litigation Practice. With more than 30 years of experience in construction law, Mr. Hughes is involved in negotiating and drafting design and construction agreements for public and private entities. This includes all capital procurement methods (Design Bid Build, Design Build, Construction Manager as Advisor, Construction Manager at Risk, Guaranteed Maximum Price, Integrated Project Delivery and Energy Performance Agreements). His early involvement on capital projects includes guidance on consultant selection procedures and integration of the many agreements entered into with respect to a construction project.

Mr. Hughes is experienced in successfully resolving construction defect and construction delay/disruption disputes, which often involve management of voluminous documents and complex issues. He has successfully litigated several complex construction claims. He assists in design phase and construction phase problem solving to resolve issues before they get out of hand. Mr. Hughes also assists clients with ERISA compliance and litigation matters.

Mr. Hughes has served as General Counsel for several Central New York villages, towns and fire departments since 1984. He represents school districts across New York State with respect to capital construction projects, procurement matters and general business matters.

Mr. Hughes is a frequent speaker and has presented at numerous seminars and lectures on the following construction-related topics:

- Using ConsensusDOCS Form Agreements
- Key Topics in Modern Construction Contracting
- [AIA Design and Construction Contracts](#)
- Public Construction Contracting
- Construction Contracting for Public Entities - State and Federal Contract Requirements
- Construction Scheduling
- Managing Construction Projects
- Avoiding Liability - An Overview of Key Construction Contract Language
- Energy Performance Contracting - Making the Model Work for Public Schools and Other Municipal Owners
- Procuring Design and Construction Services
- Preparation of Plans and Contract Documents
- Drafting Contract Specifications
- The Role of Construction Counsel in Large Construction Projects
- Understanding the AIA Construction Contract and General Conditions

These seminar and lecture presentations have been provided through the Central New York Chapter of the American Institute of Architects, the Construction Owners Association of America, the Associated General Contractors of America, the State University of New York College of Environmental Science and

Forestry, NY APPA, SUNY APPA, Lorman Education Services, Inc., and the National Business Institute, among others.

Prior to joining the Firm, Mr. Hughes was employed by Hart & Hume from 1979 to 1983. While at Hart & Hume, he concentrated his practice on construction litigation and insurance coverage issues. He oversaw preparation and analysis of large construction delay/disruption claims involving multi-contractor projects undertaken by the City of New York.

Mr. Hughes currently serves as Justice for the Village of Fayetteville, NY.

Mr. Hughes serves as a Construction Arbitrator through the American Arbitration Association.

PRACTICE AREAS

- Litigation
- Commercial Litigation
- Professional Liability
- Construction
- Alternative Dispute Resolution
- Education
- Municipal
- Public Finance

REPRESENTATIVE MATTERS

- Successfully defended a Central School District against a Federal False Claims Act (Qui Tam) Action related to Medical Reimbursement for eligible Case Management Services.
- Represented various construction firms on issues pertaining to Federal Acquisition Regulations (FAR) compliance.
- Successfully overturned a denial of admission of a construction firm to participate in the Small Business Administration (SBA) Section 8(a) Business Development Program, resulting in the construction firm's participation in this significant program.
- Representation of several hospitals, municipalities and school districts on all phases of design and construction projects of all sizes.
- Successfully defended a village through an arbitration involving delay claims related to the construction of a new wastewater treatment facility.
- Successfully defended several central school districts against delay and disruption claims related to new construction and renovations.
- Participated in the defense of several design firms involved in construction disputes in New York City, including construction of the Battery Park City Cofferdam System, the renovation of the Red Hook Wastewater Treatment Plant and the construction of the Woodhull Medical Center.
- Represented a large city in New York State with respect to the construction of major water system improvements; updated form design and construction agreements.
- Serving as Construction Counsel for a City School Construction Program.

RECOGNITIONS AND HONORS

- Rated, AV Preeminent, Martindale-Hubbell

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Justice, Village of Fayetteville, NY
- Past President, Onondaga County Magistrates Association
- Board of Directors and Treasurer, Onondaga County Bar Association Assigned Counsel Program, Inc.
- American Arbitration Association, Arbitrator, Construction Arbitration and Mediation Neutral Panel
- Volunteer Neutral, United State District Court, Northern District of New York
- Member, Construction Owners Association of America, Contract Document Committee
- Member, Association of General Contractors
- Member, Episcopal Diocese of Central New York, Finance & Investment Committee
- Member, Onondaga County Bar Association
- Member, New York State Bar Association
- Member, Madison County Bar Association

SPEAKING ENGAGEMENTS

- Associated General Contractors Program Manager Development Program, "Negotiating Fair Contracts and Contract Documents" (February 2018)
- Lorman Education Services, "The AIA Owner Contractor Agreement", December Event (December 2017)
- American Council of Engineering Companies of New York, "Indemnification & Limitation Liability in Today's Business World" (October 2016)
- Lorman Education Services, "AIA Form Contract (A101 & A102)" (June 2015)
- Associated General Contractors of New York State, "Negotiating Fair Construction Contracts" (February 2015)
- HalfMoon Education, Inc., "Forensic Engineering - Technical and Legal Aspects" (January 2015)
- National Business Institute, "Legal Issues Involving Local Governments" (December 2014)
- Lorman Education Services, "AIA Contracts" (November 2014)

PRESS AND PUBLICATIONS

- ["The New York Prompt Payment Act and Construction Progress Payments"](#), *Hancock Estabrook Newsletter*, October 2013
- ["Guaranteed Maximum Price Contracting: The Basics for Owners and Their Counsel"](#), *Owners Perspective*, Fall 2012
- [Editorial Comment: Why Owners Should Never Let Shop Drawings and RFIs Become Contract Documents](#), *Owners Perspective*, Summer 2012
- ["Design-Bid-Build v. Guaranteed Maximum Price Contracting: The Basics for Owner's Counsel"](#), *New York Law Journal*, May 2012
- ["Procurement of Design and Construction Services"](#), *Clear Waters*, Vol. 40, No. 3, Fall 2010

EDUCATION

- University at Buffalo Law School, J.D., 1979
- State University of New York at Buffalo, B.S., *magna cum laude*, 1976

ADMISSIONS

- New York
- United States Court of Appeals (Second Circuit)
- United States District Court (EDNY)

- United States District Court (NDNY)
- United States District Court (SDNY)