



CHRISTOPHER J. HERSEY

PARTNER

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OVERVIEW

Chris Hersey is a partner at Miller Morton with more than 12 years of civil litigation and trial experience. He specializes in representing general contractors and project owners in complex construction disputes involving contracts, schedule delays, acceleration and disruption claims, change order disputes, residential and commercial construction defect claims, bid protests, and payment disputes involving mechanics' liens, stop notices, and surety bond claims. He has extensive experience representing clients both in state and federal court, and in private mediation and arbitrations, including proceedings in front of the American Arbitration Association and Contractor's State License Board.

In addition to litigation, Chris' practice regularly includes drafting and negotiating construction and design contracts and subcontracts, and counseling clients on issues of risk management and avoidance.

REPRESENTATIVE MATTERS

- Following a three-week jury trial as lead counsel for a large general contractor client, recently obtained a jury verdict against a commercial project owner for refusing to pay for change order work. In addition to awarding the entire amount of the contractor's claim, the jury's verdict included special findings regarding the owner's violation of California's prompt payment statutes and a complete defense of the owner's cross-complaint against the client for construction defect claims.
- Successfully represented a general contractor client in federal court on competing delay and inefficiency claims totaling more than \$30 million dollars concerning construction of one of the world's largest dairy processing facilities.
- Obtained summary judgment and dismissal of more than \$16 million dollars worth of claims against a general contractor client in federal court.
- Obtained a favorable settlement for a home buyer in a breach of contract action against a seller for failure to disclose building conditions.
- Secured dismissal on motion for summary judgment of a \$10 million dollar construction delay claim against client in state court.
- Successfully mediated and settled numerous construction and other commercial-related disputes, including claims of over \$1 million dollars against a client involving a failed software implementation program.

SEMINARS & COURSES

- Instructor, California Construction Law, San Jose State University Extension Program, 2003 to Present.
- Lecturer, California Construction Delay Claims, Lorman Education Services, February 2005
- Lecturer, The Tricks, Traps & Ploys of Construction Scheduling, Lorman Education Services, May 2004
- Lecturer, Delay Claims—The Most Expensive Construction Disputes, Lorman Education Services, February 2004
- Lecturer, Risk Allocation and Dispute Minimization on Complex Construction Jobs, Lorman Education Services, January 2003.

AWARDS

The Order of Barristers (1998), awarded for excellence in courtroom advocacy

EDUCATION

J.D., University of California at Davis, 1998
 B.A., in Economics, University of California at Berkeley, 1993