

# PATRICK J. DUFFY, III

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## **Practice**

Contract Litigation; Construction Litigation; Business Litigation; Contract Formation and Negotiation; Real Estate Transactions and Litigation; Administrative Law; Courts and Arbitration Proceedings; Court and Jury Trials

## **Education**

- Loyola University of Los Angeles (J.D., 1969)
- Loyola University of Los Angeles (B.A., 1966)



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Patrick J. Duffy, III is nationally known in the highly specialized field of heavy engineering construction law. A senior partner in Monteleone & McCrory for more than 30 years prior to becoming Of Counsel in January 2018, he has focused on civil business litigation, representing prime contractors, subcontractors, design professionals and owners in disputes arising from major projects such as highways, subway systems, bridges, wastewater facilities and industrial plants in California, throughout the U.S. and internationally.

Mr. Duffy also represents contractors and developers in construction defect and other litigation in the residential real estate sector. In addition, he has represented clients in a variety of business-related disputes before both state and federal courts in almost every county in California. Experienced in jury trials, he also practices at the appellate level and is admitted to practice before the United States Court of Federal Claims. In addition, he has argued before international tribunals on behalf of governments and business owners.

Mr. Duffy has substantial experience in preparing and organizing the voluminous records commonly involved in complex litigation. He also is adept at presenting highly technical scientific information in a way that makes it understandable to a jury.

Mr. Duffy's experience includes:

- Obtaining a jury verdict resulting in a judgment in excess of \$40 million against a large charter city. The judgment included a return of all liquidated damages and an award of 100% of the contractor's claimed project delay damages. The jury also specifically found that the city's actions were unreasonable under Public Contract Code section 7107 leading to an award of penalty interest at 2% per month on the withholding totaling over \$15 million;
- Obtaining an award by the State Office of Administrative Hearings on a freeway project for a small contractor who had lost bonding capacity because of the owner's actions which award completely exonerated the contractor from the default declared against the contractor and awarded damages that will make the contractor whole again. The award also found that the owner's actions violated Public Contract Code section 7107 and an award of penalty interest at 2% per annum plus an award of attorneys' fees incurred in the case is now pending;
- Defending a cement company owner and the government of Indonesia against a contractor in an international arbitration, and acting as a mediator in a dispute between a contractor and the government of Ecuador;
- Obtaining a reformed agreement for the seller of a Hollywood property based on the buyer's deceptive contract language and sharp dealing that would have cost the seller several million dollars had the agreement not been reformed;
- Convincing a jury of a contractor's innocence in an alleged criminal public safety violation matter;
- Successfully defending a major designer of large projects in the Western U.S. against design deficiency claims while successfully advancing extra work claims;
- Achieving a 2 million dollar settlement for a prime contractor on a 2 million dollar claim for damages caused by fraudulent representations relating to the design of an excavation support system causing a subsequent shaft failure;
- Winning a 2 million dollar award for a construction company in a highly publicized dispute involving cost overruns on the Venice Canal refurbishment project;
- Achieving successful settlements of approximately 25 million dollars and 20 million dollars for a public works contractor that built sewer treatment plant upgrades from faulty plans provided by a public entity owner which owner settled rather than face the case prepared to be presented to the jury against the owner;
- Winning a 2 million dollar arbitration verdict for a manufacturer accused of late performance in the delivery of goods sold which award also included 100% of the attorneys' fees and costs expended in the case;
- Winning a 6 million dollar jury verdict after an eight week trial against a water district for a contractor in a dispute that arose from an eighteen month overrun in the time of construction of a new water treatment plant; and
- Obtaining the agreement of a public agency in a mediation to forego all liquidated damages and, instead, pay the contractor its costs for the delays to the completion of a major hospital project.
- Recently obtaining a high six figure jury award for a pipeline contractor in Ventura County.
- Recently obtaining an over two-million-dollar damage award for a civil contractor in a lengthy arbitration against an Orange County public entity including the remission of all liquidated damages with the payment of interest.

- Being the lead appellate attorney for Contractors in many published appeal cases that both advanced the client's interests and construction industry interests by having precedent established that assists contractors in all kinds of contract disputes and litigations with public agency owners.

The quality of Mr. Duffy's work is reflected in the fact that he has been "AV" rated by Martindale-Hubbell Law Directory for over 25 years. Mr. Duffy has been consistently selected as one of Southern California's "Super Lawyers", and has been selected as one of "The Best Lawyer's in America since 2010". Mr. Duffy was recently recognized by his peers as the Best Lawyer for Construction Litigation for 2018 by Best Lawyers and in 2018 was also awarded one of only 14 prestigious annual Robert Flaig awards by the real Property Section of the Los Angeles County Bar Association for a lifetime of ethical effective legal service and for being a positive force in construction law practice. His professional affiliations include the Los Angeles and California Bar Associations and the Public Contracts and Disputes Resolution Sections of the American Bar Association. Mr. Duffy is an active member of The Beavers, a group of major civil works and industrial contractors in the Western United States organized to promote mutual, cultural and charitable interests. He is a member of the executive committee of the Friendly Sons of St. Patrick. Mr. Duffy is also a member of the Los Caballeros horseback riding club, an exclusive group formed by Phil Wrigley. The group is permitted to ride on Catalina Island and is dedicated to the ecological preservation of the Island.

Mr. Duffy graduated with a B.A. from Loyola Marymount University in 1966 and received a J.D. from Loyola Law School in 1969.