



Jeffrey P. Wallack

Principal
Construction

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Represents owners, general contractors, and specialty subcontractors in construction-related matters, from contract drafting through bid disputes, to project completion and, if necessary, claims submission and dispute resolution.

Bio

Jeffrey P. Wallack is a Principal in the Firm's Construction, Government Contracts & Surety Law Practice Group. He represents owners, general contractors, and specialty subcontractors in construction-related matters, from contract drafting through bid disputes, to project completion and, if necessary, claims submission and dispute resolution. His clients range from individual clients to closely held local businesses to national corporations.

Mr. Wallack advises clients with regard to construction contract provisions and protections and drafts necessary amendments or riders to all forms of construction contracts. He has handled public bid disputes in both Pennsylvania and New Jersey, prosecutes payment claims for contractors and subcontractors on public and private construction projects, defends clients against construction defect claims, and asserts mechanics' lien claims for contractor and subcontractor clients.

He also represents clients in insurance coverage disputes against national and/or international insurance companies and assists clients with contract and other business disputes. This includes counsel and representation regarding insurance coverage claims and issues, including issues concerning insurance coverage for defective construction.

Mr. Wallack has represented clients in litigation before the state and federal courts of both Pennsylvania and New Jersey, as well as in arbitrations, mediations, and other types of alternative dispute resolution. He regularly counsels clients on means and methods to avoid disputes and advises clients on the risks and benefits of litigation and other dispute resolution procedures.

Mr. Wallack has lectured and written on various topics of construction and insurance coverage law, having recently given seminars on topics ranging from construction defect disputes to using insurance coverage and indemnity as a means to shift liability.

Practices

- Construction
- Commercial Litigation
- Real Estate

Industries

- Heavy/Highway & Utility Construction
- Construction
- Real Estate

Education

- J.D., *Cum Laude*, University of Pennsylvania Law School, 1993
- A.B. in Political Science, Princeton University, 1990

Bar Memberships

- Pennsylvania
- New Jersey

Court Admissions

- U.S. Court of Appeals, Third Circuit
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the District of New Jersey

Representative Matters

Construction Litigation

- Obtained significant arbitration award for roofing contractor where project owner failed to pay contractor as a result of alleged roofing defects and water infiltration.
- Successfully defended steel erector in multiple lawsuits arising out of partially erected steel bridge collapse.
- Obtained arbitration award in favor of general contractor and against project owner where owner failed to pay contractor as a result of allegedly defective concrete flooring.
- Received arbitration award in favor of residential developer and against development's general contractor and concrete subcontractor for costs incurred to replace defective concrete sidewalks and driveway aprons.
- Assisted in jury trial of *Vanalt Electrical Construction v. Selco Manufacturing Corporation* (E.D. Pa.), where the jury found in favor of electrical contractor client and included an award of Eicheley damages for unabsorbed home office overhead.
- Successfully defended stucco contractor against claims of alleged defective residential construction.
- Negotiated mediated settlement of roofing subcontractor's payment claims and construction manager's counterclaims for allegedly deficient construction.
- Successfully defeated disappointed bidder's challenge to national waste disposal company's public bid for disposal services in local municipality.
- Prosecuted mechanics' lien claim for unpaid site contractor and obtained payment in full.
- Obtained summary judgment for a general contractor, defeating an HVAC contractor's delay claims, in the matter of *Guy M. Cooper, Inc. v. East Penn School District*.
- Successfully represented heavy highway contractor in complex claims litigation with state highway authority.
- Recovered payments for an electrical subcontractor on public construction project both from a general contractor and from a state agency.
- Assisted in preliminary injunction hearing in public bid dispute, resulting in an injunction against contract award to apparent low bidder and award of a contract to contractor client.
- Advised public owner on claims avoidance strategies with regard to multi-prime contractor delay claims.

Commercial Litigation

- Successfully represented a group of individual employees in a lawsuit alleging theft of trade secrets and breaches of noncompetition agreements.
- Obtained summary judgment for homeowner clients in the matter of *Scavello v. Township of Skippack*, defeating plaintiffs' equal protection and conspiracy claims.
- Successfully defended national corporation accused of breaching tenant's lease obligations and failing to restore leased space to rentable conditions.
- Defeated challenge to the enforceability of a common law arbitration award both at the trial court level and on appeal to the Superior Court of Pennsylvania and the Supreme Court of Pennsylvania.
- Procured insurance coverage for an architect in an underlying dispute concerning the allegedly defective design of upscale housing development.

- Successfully quashed improper service of process upon Mexican corporation based upon the application of the Hague Convention in Mexico.
- Defended national nursing home provider in complex, multi-party litigation.
- Negotiated complex settlements for an electrical contractor with regard to EPA Superfund claims and private cost recovery claims.
- Obtained tax refund for a corporate client in alleged state tax deficiency matter.
- Successfully defended landlord against tenants' claims for alleged lease breaches and defaults, including noncompetition claims.

Publications

- "The 2018 Steel and Aluminum Tariffs — Do Contractors Have Remedies?," *The Legal Intelligencer's Construction Law Supplement* (August 2018)
- "The Continued Erosion of Coverage Post-*Indalex*," *The Legal Intelligencer* (August 11, 2015)
- "Expert Communications in the Wake of *Barrick*," *The Legal Intelligencer, Construction Law Supplement* (August 5, 2014)
- "Recent Developments in Pennsylvania Construction Damages," *The Legal Intelligencer* (August 4, 2008)
- "To Arbitrate or Not to Arbitrate? That Continues to Be the Question," *The Legal Intelligencer* (August 6, 2007)

Speaking Engagements

- "Construction Defect Disputes and Litigation: Using Coverage, Case Law and Indemnity to Shift Liability," National Business Institute (November 3, 2015)
- "Construction Disputes: Effective (and Practical) Legal Negotiation Strategies," National Business Institute (October 2014)
- "VoiR Dire and Jury Selection," National Business Institute (August 2013)
- "Investigation and Litigation of a Fire," National Business Institute (November 2011)
- "Litigating to Win through Advanced Trial Advocacy," National Business Institute. (August 2011)
- "The Mechanics of Pennsylvania Civil Procedure," National Business Institute. (February 2011)
- "A Primer on Prompt Payment Acts – Private and Public," Montgomery County Bar Association (September 2009)
- "Construction Law Fundamentals: Managing Project Risk," National Business Institute (November 2008)

Affiliations

- American Bar Association, Forum on the Construction Industry, Member
- Pennsylvania Bar Association
- Montgomery County Bar Association

- University of Pennsylvania Law School, American Inn of Court, Member
- Upper Dublin Education Foundation, Vice President, Director, and Grant Committee Co-Chair
- Upper Dublin Monte Carlo Night, Auction Committee Co-Chair
- Ambler Junior Baseball, Connie Mack Coach and Representative