



## John Benjamin Patrick

### PARTNER

San Francisco

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### RELATED SERVICES

- Construction
- Surety
- Government Contracts
- Construction Professionals

### OFFICES

- San Francisco
- Tampa
- Miami
- Minneapolis

### OVERVIEW

J. Benjamin Patrick represents companies in the construction industry, including general contractors, engineers, architects, and sureties. He has represented companies varying in size from small contractors and design firms to ENR Top 50 Firms in mediations, litigations and arbitrations with claims ranging from under \$100,000 to over \$300,000,000.

Ben has represented clients on projects in every sector of the construction industry, including heavy civil (interstate highways, local highways and streets), industrial (manufacturing facilities, wastewater treatment plants, and pump stations), power and energy (ethanol refineries and combined-cycle power plants), commercial (mixed-use developments, mid-rise office towers, and retail developments), health care (hospitals and elder care facilities), education (universities, colleges, and primary schools), and residential (condominium construction and conversion, planned communities, and single-family homes).

He has litigated over a dozen cases that involved the application of CalTrans' specifications, both against CalTrans and against other public agencies who use CalTrans' specifications.

Ben has represented sureties in matters across the United States. He has defended payment and performance bond claims totaling more than \$100,000,000. He has worked with sureties to structure financing agreements with troubled principals in order to minimize or avoid losses on bond programs worth tens of millions of dollars. Ben has represented sureties in numerous high-profile, high-risk litigations against public owners. Ben's clients appreciate his practical, frank, and strategic advice in handling surety matters of all sizes.

Ben frequently counsels clients on insurance issues, including coverage questions, risk management, and contract requirements. He has counseled general contractors, designers, sureties, and industry trade groups across the country on insurance coverage questions for all major insurance products. He has worked as supervisory counsel on matters defended by insurance companies in order to ensure that coverage issues were appropriately addressed, strategies for maximizing coverage were pursued, and that counsel appointed by the insurer were appropriately handling the litigation.

He is also recognized as a national expert and leading author on intellectual property rights in the construction industry. In 2004, he was counsel for the defendant architect in the largest construction copyright infringement lawsuit ever brought in the United States. Following three years of litigation and six weeks of trial, the jury returned a verdict finding no liability on the part of his client.

Ben has also counseled clients on government procurement regulations and compliance, including bidding requirements, subcontractor listing obligations, licensure issues, allowable/reimbursable costs, and bid protests.

## PUBLICATIONS

- *Keys to Successful Remote Arbitrations: What You Need to Know, and Advantages for You and Your Client*, Florida Construction Law Institute, March, 2021.
- *The Art of "Hot Tub" Expert Examinations*, Florida Construction Law Institute, March, 2016.
- *Surety Law*, Construction Subcontracting Handbook, ABA (March 2014).
- *Section 8(a) Mentor/Protégé Relationships*, Surety & Fidelity Claims Institute Newsletter (October 2012).
- *Pitfalls and Precautions in Teaming with DBE Entities*, Surety & Fidelity Claims Institute Newsletter (May 2012).
- *Copyrights in Designs: Who Has What, What Do They Have, And Why*, Construction Briefings (August 2008).
- *That's Mine! Termination Impact on Rights to Design, Special Equipment, Subcontracts and Materials*, ABA Forum on the Construction Industry Annual Meeting (April 2008).

- *Design Professional Work Product: Ownership and Protection*, Design Professional and Construction Manager Liability Handbook (2007).
- *Legislative Update*, The Construction Lawyer (Winter 2006).
- *Last Things First: Streamlining the Construction Litigation Process*, Construct! (Winter 2005).
- *The Added First Benefit Rule*, The Construction Lawyer (Summer 2004).

## PRESENTATIONS

- *How the SBA and Disadvantaged Business Programs are Incorporated into and Can Enhance a Public Project*, ABA Fidelity and Surety Law Committee 2014 Midwinter Meeting (January 2014).
- *The Players in Construction*, ABA Forum on the Construction Industry, Fundamentals of Construction Law (October 2013).
- *Terminations for Convenience*, ABA Forum on the Construction Industry Winter Meeting (February 2013).
- *Hey, That's My Idea! How to Prevent Competitors From 'Borrowing' Your Creative Design-Build Ideas*, ABA Forum on the Construction Industry, Division 3 Hot Topic Teleconference (September 2012).
- *The Art and Science of Surety Bonds*, Construction Litigation Conference (March 2012).
- *The Brave New World of Defense Obligations in California*, American Council of Engineering Companies Monthly Meeting (April 2011).
- *Mitigation Opportunities from the Contractor's Insurance Coverage*, Pearlman Association Annual Meeting (September 2009).
- *How to Structure, Finance, and Implement Public Private Partnerships for Infrastructure Projects*, Federal Publications Seminars (January 2009).
- *AIA Contracts*, Lorman Education Services (May 2006).
- *Copyright Law for the Building Industry*, Lorman Education Services (May 2006).
- *Loss Prevention for Design Professionals*, Lorman Education Services (February 2006).

## CREDENTIALS

### Admissions

- Minnesota
- California
- Florida
- Court of Federal Claims
- Court of Appeals, Eighth Circuit
- U.S. District Court, Southern and Central Districts of Florida
- U.S. District Court, District of Minnesota
- U.S. District Court, Western District of Wisconsin
- U.S. District Court, Northern and Eastern Districts of California

## **Memberships**

- American Bar Association
  - Forum on the Construction Industry
  - Past Chair, Young Lawyer's Committee
  - Past Member, Division 4 (Project Delivery Methods) Steering Committee
  - Past Chair, Division 10 (Transportation, Energy, and the Environment)
- Litigation Section

## **Education**

- J.D., *cum laude*, University of Minnesota
  - Dean's List
- B.A., Grinnell College

## **Honors**

- *Thomson Reuters* Stand-out Lawyer (2025, 2024)
- *Best Lawyers in America*® distinction in Construction Law (2024-2025)
- *Super Lawyers*® distinction in Construction Litigation: Business and Business/Corporate (2017-2019)
- *Super Lawyers magazine*, *Rising Star* in Minnesota Law, 2004-2006, *Rising Star* in Florida Law, 2015