

David A. Scotti focuses his practice in the areas of construction law, complex commercial litigation and real estate with an emphasis in construction litigation, construction contracts and project counseling. Mr. Scotti has represented owners, developers, architects, engineers, EPC contractors, general contractors and subcontractors on a wide variety of construction projects including power plants, steel plants, dams, bridges, roads, aerial tramways, hospitals, prisons, sports stadiums, schools, churches, office buildings, public housing, mixed-use developments and housing developments. He has extensive experience in drafting and negotiating design and construction contracts and in providing project counseling regarding dispute avoidance. Mr. Scotti has represented clients regarding both domestic and international disputes in federal and state trial and appellate courts, the Armed Services Board of Contract Appeals, the Pennsylvania Board of Claims, the International Chamber of Commerce, the International Centre for Dispute Resolution and the American Arbitration Association. He has concentrated his practice in the area of construction law for over 25 years.

Mr. Scotti has served as an arbitrator and mediator on a broad range of construction projects. He is a member of the National Panel of Arbitrators for the American Arbitration Association and has served as a construction arbitrator since 1990 and as a mediator since 1994. Mr. Scotti has authored articles and seminar materials on construction law and has delivered numerous educational presentations on a variety of topics related to the construction industry. He has lectured for the American Bar Association Forum on the Construction Industry, the Associated General Contractors of America, International Construction Super Conference, Tri-State Construction Users Council, Pennsylvania Department of Transportation and the Conference of Catholic Facility Managers.

Mr. Scotti has been appointed to the Governing Committee of the ABA Forum on the Construction Industry. He served as chairman of the Contract Documents Division of the ABA Forum on the Construction Industry from April 2008 to April 2010. He has twice served on the Steering Committee of the Contract Documents Division and was invited to provide comment on the drafting of the AIA A201 General Conditions for both the 1997 and 2007 editions. Mr. Scotti serves as the legal representative for a joint committee of the Pittsburgh Chapters of the American Institute of Architects and the Associated General Contractors of America. He is a member of the Construction Law Section of the Allegheny County Bar Association and an affiliate member of the Master Builders Association of Western Pennsylvania. In 2013 and 2014, he was selected as a Pennsylvania Super Lawyer for Construction Litigation.

Areas of Practice

- Construction Litigation
- Arbitration and Mediation
- Construction Contracts
- Project Counseling
- Commercial Litigation
- Real Estate

Representative Matters

- Represented a European EPC contractor in a series of disputes involving their build of a blast furnace that required the defense of nearly \$300 million in claims for delay and breach of contract by a major steel producer and affirmative claims against the steel producer and the project engineer.
- Represented an EPC contractor in the defense of a series of claims for delay and breach of contract involving the construction of a dual fired power plant.
- Represented a heavy highway contractor in several bridge and highway construction claims against PennDOT.
- Represented a contractor in a breach of contract claim involving the construction of a hydro-electric plant.
- Represented a developer in drafting and negotiating in excess of \$120 million in contracts for the conversion of a former military arsenal that was a former Superfund site into a mixed use commercial and light manufacturing development. This representation also involved three years of project counseling during the construction.

- Represented the general contractor in defending claims arising out of the construction of a series of coffer dams.
- Represented Children's Hospital of Pittsburgh for ten years as its sole construction lawyer for drafting/negotiating design and construction contracts and project counseling.
- Represented Children's Hospital of Pittsburgh for seven years in real estate matters, including the land acquisition and construction of three of the hospital's satellite locations.
- Represented Magee-Women's Hospital in the drafting and negotiation of the design and construction contracts for a \$97 million addition and renovation project.
- Represented Magee-Women's Hospital in the drafting and negotiation of the design and construction contracts for the construction of a new \$40 million building.
- Represented other area hospitals in the drafting and negotiation of various design and construction contracts.
- Represented a general contractor in the defense of claims involving the failure of a brick curtain wall on a major hospital addition.
- Represented a general contractor on federal contracting claims against the U.S. Air Force arising out of the construction of a new building on the air force base.
- Represented a major housing contractor in the defense of \$5 million in copyright infringement claims involving the re-use of architectural plans to construct 77 house and townhouse units.
- Represented a County in defense of \$1.5 million claim regarding the erection of bridge that was resolved with no money paid and part of my legal fees being paid.
- Represented a general contractor in a series of claims for nonpayment of change orders and delay against a public housing authority.
- Represented the EPC contractor in an aerial tramway collapse.
- Drafted design and construction contracts for a new classroom building for a university seeking LEED/Green building rating.
- Drafted design and construction agreements for several new churches and church renovations for a Catholic diocese.
- Represented municipal owner on a delay and breach of contract action arising out of the construction of a new wastewater treatment facility.
- Represented the manufacturer of pre-fabricated houses in defense of breach of warranty claims.
- Represented pile driving contractor in defense of claims arising out of the construction of a performance arts center.
- Represented concrete contractor in defense of claims regarding the construction of a 40-story office building.
- Represented a contractor in defense of delay and construction defect claims involving the construction of an area high school.

- Represented a local school district in defense of \$2.9 million claim involving delay and disruption claims.
- Drafted the design and construction agreements for a condominium tower.
- Represented municipal authority in claims against the architectural firm for design claims involving the construction of a new prison.
- Represented general contractor on a mechanics' lien claim against a leasehold interest arising from an oral contract and won a \$1.2 million verdict.
- Represented various contractors in filing and prosecuting mechanics' liens claims.
- Represented various contractors in filing and defending payment and performance bond claims.

Professional Activities

- American Bar Association Forum on the Construction Industry
 - Appointed to the Governing Committee beginning September 2014
 - Chairman of Division 2, Contract Documents, April 2008-April 2010
 - Division 2 Steering Committee, 1995 - 1997, 2005 –2007
 - Special Program Education Committee, 2010 –2012
 - Distance Learning Subcommittee
 - Technology Committee, 2012 –present
 - Liaison to Publications Committee
 - National Co-Chair, The Construction Contracts Regional Programs in Baltimore, Pittsburgh, Little Rock, Birmingham and Seattle, November 4, 2011
- Pennsylvania Bar Association
- Allegheny County Bar Association
 - Construction Law Committee
- Associated General Contractors of America
 - Contract Documents Committee
- Master Builders Association of Western PA
 - Affiliate Member since 1986
 - Legal liaison to Joint Committee of the American Institute of Architects and the Master Builders Association since 1995

Selected Speaking Engagements

- Presenter, "How to Analyze a Construction Contract," Master Builders Association of Western Pennsylvania, March 2012;

- Presenter, "Electronic Project Management," ABA Forum on the Construction Industry, Scottsdale, AZ, April 2011;
- Presenter, "Owners Gone Wild, Overreaching Contract Provisions," ABA Forum on the Construction Industry, Philadelphia, PA, October, 2009;
- Presenter, "What to Do When the Work Stops, an examination of the Change, Suspension and Termination Provisions of the A201-2007 in connection with Project Slow-Down and De-scoping," ABA Forum on the Construction Industry, New Orleans. LA, April 2009;
- Moderator, "Electronic Communications Protocols, Saving the Trees and Managing the Paper: Developing Meaningful Contract Terms for Construction Project Electronic communication, ABA Forum on the Construction Industry, Chicago, IL, October 2008;
- Presenter, "Construction Contract Dispute Clauses," ABA Forum on the Construction Industry, Puerto Rico, April 2007;
- Presenter, "Private Public Partnerships, Developing Airport Infrastructure – 21st Century Challenges," International Construction Super Conference, London, May 2006;
- Presenter, Panel Presentation, "Selecting and Retaining Construction Contractors and Key Suppliers," ABA Forum on the Construction Industry, Toronto, October 2005;
- Presenter, "How to Read a Construction Contract," Conference of Catholic Diocese Facilities Managers, Scottsdale, AZ, April 1999;
- Presenter, course on Construction Contracts, Minority Contractors Association, Sponsored by Penn DOT, October 1998;
- Presenter, "Program Management," ABA Forum on the Construction Industry, Dallas, TX, May 1996.

Admissions

- Pennsylvania
- U.S. Supreme Court
- U.S. Court of Appeals for the Third Circuit and the Federal Circuit
- U.S. District Court for the Western District of Pennsylvania

Education

- University of Pittsburgh School of Law, J.D., 1980
- The Johns Hopkins University, B.A., 1977