

Attorney Bio

The managing partner of the firm's Orange County office, Sam has litigated numerous cases at the state and federal level involving complex construction, tort and environmental issues. Sam has an extensive amount of experience in construction litigation involving construction payment disputes, delay damages, onsite injuries, workplace regulations, construction defects, prevailing wage claims, design professional liability, engineering professional liability and construction quality issues. Sam has represented some of the nation's largest commercial construction contractors and residential builders, and is considered one of the top minds in the industry.

Education

University of Southern California (J.D., 1995)

University of San Diego (B.A., 1989)

Licensed to Practice in:

California

Practice Areas

Appellate

- Brief-writing experience and appearances before the California Court of Appeal.
- Reported Decisions:
 - *D'Orsay International Partners v. Superior Court* (2004) 123 Cal.App.4th 836.
 - *Rodriguez v. American Technologies* (2006) 136 Cal. App. 4th 1110.

Commercial and Business Litigation

- Litigation for commercial and corporate clients involving contract, partnership, and breach-of-fiduciary-duty claims.
- Litigation for commercial and corporate clients involving various claims by individuals, joint venturers, business partners, and shareholders.
- Litigation for property owners/builders against lending institutions regarding property development.
- Litigation for contractors regarding payment, lien surety-bond, and stop-notice claims.

Samuel L. McDermott

Partner



Orange County

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- Litigation regarding statutory claims — i.e., unfair business practices (Business & Professions Code, Sections 17200 and 17500).

Construction

- Litigation regarding payment claims, lien claims, surety bond claims and stop notice claims.
- Litigation regarding default, termination and project abandonment.
- Litigation regarding public works construction.
- Litigation regarding defective construction of commercial and residential properties.
- Litigation regarding site accidents and OSHA investigations.
- Litigation regarding prevailing wage, fringe benefits and related claims.

Environmental

- Litigation regarding hazardous materials exposure.
- Litigation regarding claims of personal injury due to mold exposure.

Hospitality

Insurance

- Consultation regarding various insurance issues, including Builders Risk, Commercial General Liability and Building and Personal Property coverage forms.
- Consultation and litigation regarding enforcement of indemnification agreements and additional insured endorsements, including preparation of coverage position letters.

Product Liability

- Litigation regarding alleged defective design and manufacture of various products, including piping, drywall, and other materials.

Professional Liability

- Litigation regarding defective design and engineering of private, state and federal projects.
- Litigation regarding design-build and design-bid-build projects at the private, state and federal levels.
- Litigation involving engineering of site utilities, MEP placements and building envelope.

Trial & Appellate Results

- D'Orsay International Partners v. Superior Court (2004) 123 Cal.App.4th 836 Rodriguez v. American Technologies (2006) 136 Cal.App. 4th 1110

Awards & Accomplishments

- Southern California Super Lawyers Rising Star, 2004 - 2007
- AV Preeminent Lawyer by Martindale-Hubbell

Seminars, Events & Presentations

- The New Reality of Construction Risk in a 3-D World, CLM Management and Professional Liability Conference, 2017
- Sorting It Out: Who Owns Design When CMAR, Design-Assist and BIM Come Together, AGC Conference on Surety Bonding and Construction Risk Management, 2016
- Whose Design Is It Anyway?, West Coast Casualty, 2016; IRMI Construction Risk Conference, 2015; Construction SuperConference, 2015; AGC California Annual Conference, 2015
- Litigation in the Lumber Industry: Strategies for Success, ProDealer Conference, 2007
- Construction Project Operations in California, Lorman Education Services, 2007
- Defect Litigation: Risk Assessment in a New Era, Building Industry Show, 2006
- Mold Litigation: Is the Fungus Still Among Us, Continuing Education of the Bar - California, 2006
- Technology In the Courtroom, West Coast Casualty Construction Defect Conference, 2005
- Toxic Mold - Risk Management, Orange County American Society of Safety Engineers, 2003
- Defending the Toxic Mold Claim, Apartment Association of Orange County Annual Trade Show, 2002
- Construction Litigation Management, Orange County American Society of Safety Engineers, 2001
- Guest Lecturer, University of Southern California Law School, Real Estate Development and Finance course

Community Activities

- Actively involved in representing poor and disadvantaged litigants through the Public Law Center
- Recipient of the Wiley W. Manuel Award for excellence in providing legal services to the poor (2010)